JUSTICE AS EFFICIENCY:

A STUDY OF PLAUSIBLE CONGRESSIONAL REFORM

By

BENNETT JOHN ADAMSON

A Thesis Submitted to The Honors College

In Partial Fulfillment of the Bachelors degree
With Honors in

Philosophy, Politics, Economics, and Law

THE UNIVERSITY OF ARIZONA

M A Y 2 0 2 0

Approved by:

Dr. Suzanne Dovi
School of Government and Public Policy

Abstract

The U.S. Congress has become less productive since the 1970's. Although many factors contribute to this decrease in productivity, I will examine how diminished institutional capacity and the increased influence of special interest groups have contributed to that decrease. I begin by empirically establishing the decline in Congress' productivity as measured by the year-over-year decrease in total passage of legislation. Then, I will examine how diminished institutional capacity has enabled this loss of productivity. I employ a market-based approach to argue that the decline is akin to a shift in supply. I make the claim that, as the supply of legislation has become scarcer, the only viable remaining market participants are lobbyists. I then outline how the increasing influence of lobbyists over the legislative process constitutes a threat to the general welfare through the proliferation of economic inequalities. I conclude by presenting a set of plausible reforms to curtail the impact of lobbyists and restrengthen the legislative branch.

I. Declining Productivity, Increasing Polarization

Overview of the Legislative Process

"All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives." – Article One, U.S. Constitution

The United States Congress is the bicameral legislature of the federal government. Its members serve dual roles. On one hand, they are representatives for their state or district, voicing the needs of their constituents. On the other, they are lawmakers, legislating on behalf of the country as a whole. The members of the House and Senate have the responsibility to shape public policy; to write, debate, and pass bills into law.

Generally, bills go through four phases: Introduction, Committee Action, Floor Action, and Enactment into Law. First, a bill is introduced in the House or Senate by a member of that chamber. Then, the bill is referred to a committee. Committees hold hearings and ultimately decide whether or not to recommend a bill for passage. If a bill passes out of committee, it is then voted on by the entire chamber. If it passes in one chamber, the process repeats in the other chamber. When the House and Senate reach a compromise and agree on the final form of a bill, it is then sent to the President to be signed into law or vetoed.

In practice, the lawmaking process is far more complex. The House and Senate both employ intricate procedural rules to govern the law-making processes. A number of factors determine which bills are ever considered, including which party is in power, which committee individual bills are referred to, how the legislative calendar is scheduled by party leadership, and so on. The increasing partisan polarization of Congress has led to a decline in the amount of legislation produced by Congress over the last several decades.

Legislative Productivity

Legislative productivity "is implicitly defined as the amount of policy made by Congress" (Grant and Kelly, pg. 303). Political scientists have devoted significant attention to legislative productivity since the 1990's, with much of the scholarship led by David Mayhew. There has been much debate over the best way to measure productivity, and several competing methodologies have been employed. One way to measure legislative productivity is to simply look at the number of laws enacted by a given Congress. However, some scholars (Mayhew 1991, 1993; Kelly 1993; Krehbiel 1998; Binder 1999; Coleman 1999; Howell et al. 2000; Clinton and Lapinski 2006) argue that methods must also capture the significance of laws enacted, since some policies have greater impact than others. Other measurements of productivity attempt to account for a law's importance by referring to certain indicators. Such methods for measuring a law's importance look to see "if [the law] was viewed by journalists and other informed observers as important legislation at the time it was enacted" or if "retrospective evaluations by policy experts" deemed the law important.[1] Other methodologies also consider coverage by *Congressional Quarterly* (CQ). Since its establishment in 1945, CQ has become the primary periodical reporting on the activities of the U.S. Congress. CQ issues weekly reports on Congressional debates and proceedings and releases an annual compendium of legislation from each session of Congress.

Another way to think about legislative productivity is as problem solving capacity. While a "critical attribute of American government is the degree to which social problem solving and efficient policy design emerge as a by-product of democratic politics," it is worth asking if "recent political developments have led to a decline in the amount of problem-solving activity in government" (Gerber and Patashnik, pg. 6).

This paper will use total legislative output as the primary measure of productivity. Two measures will determine legislative output: 1) the number of bills introduced in both the House and the Senate during each Congress from 1947 to 2017 and 2) the number of bills passed by each chamber over the same period. Next, productivity will be considered with respect to the time each Congress worked. Here I assume that the time in meetings or in chamber reflects time working on

[1] These methods are referred to as Mayhew's Sweep 1 and Sweep 2, respectively.

legislation. In other words, my discussion assumes that productivity is partially a by-product of effort. For this reason, I use two time measurements. The first examines the number of committee and subcommittee meetings held each Congress, and the second examines the number of days each chamber was in session in each Congress.

Productivity in the House

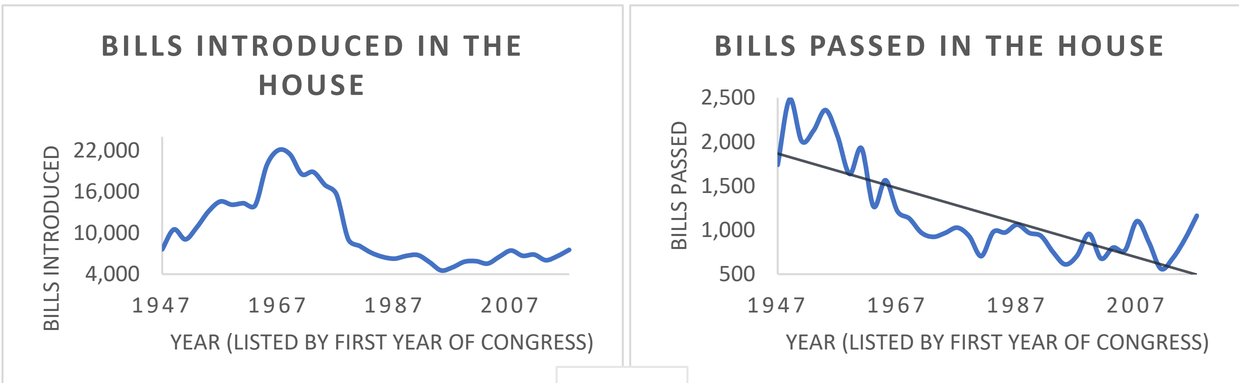


Figure 1

The number of bills introduced in the House was highest during the period beginning in the late 1950's and ending in the mid 1970's. The single most productive years for introduced bills were 1967 and 1969, when the number of bills introduced surpassed 20,000. The number of bills introduced declined dramatically from 1977, when more than 15,500 bills were introduced, to 1979, when only 9,103 bills were introduced. This was the single largest change from one Congress to the next, a 41.6% decrease. The number of bills introduced has declined further from there. From 1979 to 2017, an average of only 6,538 bills have been introduced into the House each Congress.

The highest number of bills passed in the House during the 1950's and early 1960's. Since then, the number of bills passed has trended sharply downward. Notable low points include 1981, when 704 bills were passed, 1995, when 611 bills were passed, and 2011, when 561 bills were passed.

The ratio of bills passed to bills introduced in the House is worthy of particular note. Although the 1960's were a period when the most bills were introduced, far fewer bills actually passed. In 1967, only five percent of bills introduced were actually passed by the House. In 1949, nearly twenty-five percent of bills introduced passed. Since the 1980's, the ratio has hovered between ten and fifteen percent.

Productivity in the Senate

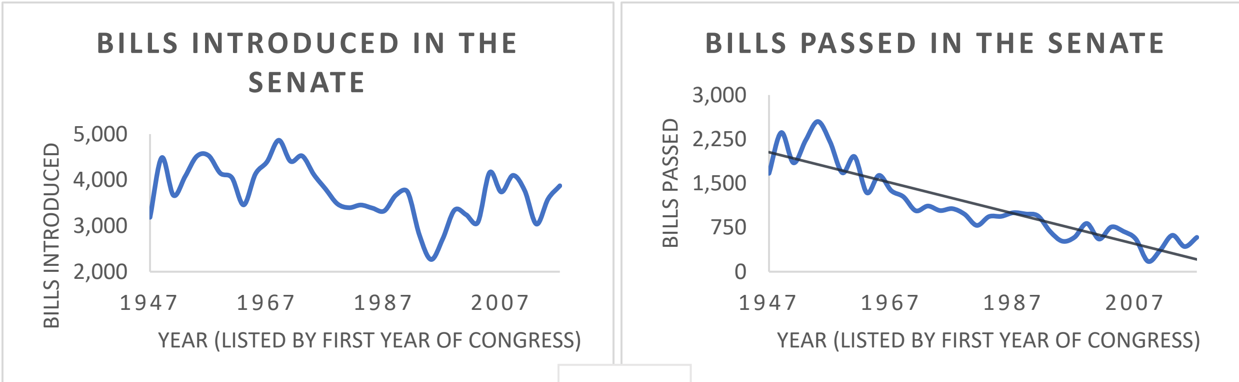


Figure 2

Unlike the House, the Senate has not experienced as severe a decline in the number of bills introduced over time. From the 1950's until the 1970's, the number of bills introduced varied between 3,500 and 4,500, with a peak in 1960 of almost 4,900. Since then, the number of bills introduced steadily declined to the record low of 2,200 in 1995. Since then, the average has risen to about 3,500, increasing since the decline of the 90's but failing to reach the levels experienced in the 50's, 60's, and 70's.

The number of bills passed by the Senate has declined in a near-linear fashion since the 1950's. The peak occurred in 1955 when 2,500 bills were passed. The lowest trough occurred in 2009, when 176 bills were passed. The Senate has passed about 25 fewer bills each year from 1947 to the present.

The ratio of bills introduced to bills passed in the Senate has also seen a steady decline over the last several decades. In the 1950's, more than half of all bills introduced in the Senate also passed. In 2009, less than five percent of bills introduced passed.

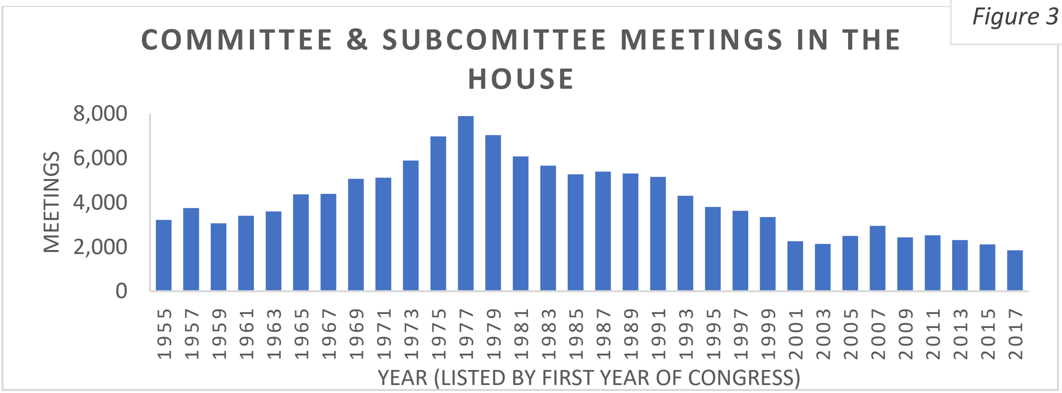
The legislative productivity in both chambers of Congress has declined over the last seventy years. In the House, the number of bills introduced rose dramatically during the twenty-year period beginning in the mid 1950's and ending in the mid 1970's, but this spike in bills introduced did not translate to a corresponding increase in the number of bills passed. The House has passed, on average, fewer bills each year.

In the Senate, the number of bills introduced over the years has fluctuated much less than the House. Over the entire dataset, the average number of bills introduced in the Senate is 3,737. The entire range spans from the high of 4,867 in 1969 and the low of 2,266 in 1995. Aside from those two extremes, most years have been within a few hundred bills of the average. However, like the House the number of bills passed by the Senate has declined sharply.

Role of Committees

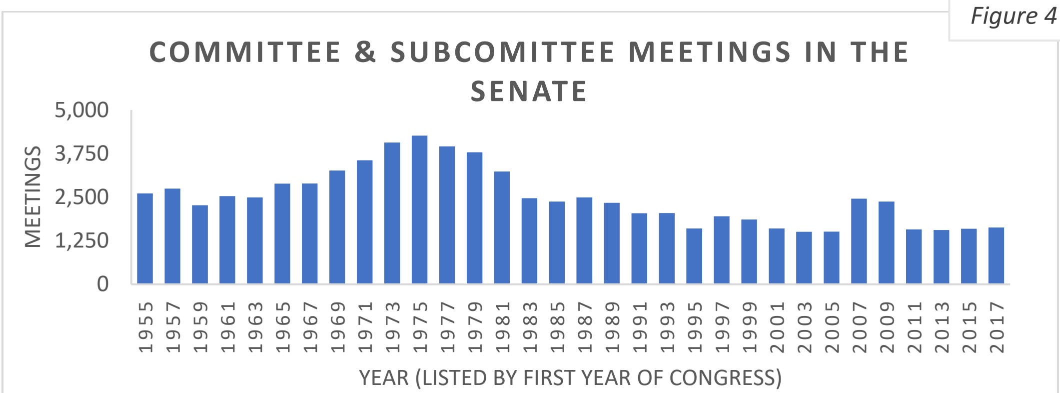
Congressional Committees play an outsized role within Congress. "Committees are the centers of policy making, oversight of federal agencies, and public education" (Davidson and Oleszek, pg. 196). Congress' "detailed legislative work is conducted mainly in its committee rooms. The committees respond to multiple constituencies, speaking in many voices and sometimes with contradictory messages" (Davidson, pg. 100). With this understanding, it is worth examining how many committee meetings have been held by each Congress over time, to see if there is a correlation between the number of meetings held and legislative productivity.

Figure 3



In the late 1950's and early 1960's, the number of committee and subcommittee meetings held in the House averaged about 3,500. The period beginning in the mid-1960's and ending in 1977 saw a significant increase, peaking at 7,896. Since 1977, the number of meetings held each session has declined, declining to just 2,135 in 2003. Throughout the 2000's and 2010's, the number of meetings has remained low. In 2017, the fewest meetings were held for the entire period in the dataset – just 1,841.

Figure 4



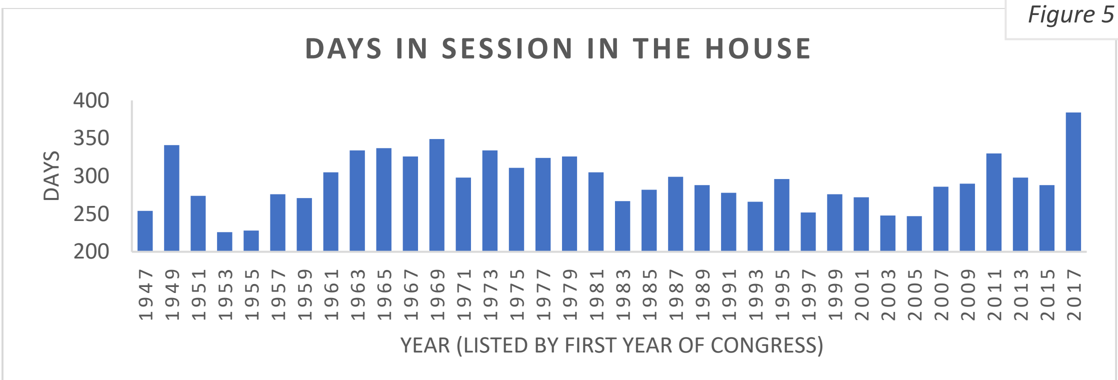
Committee and subcommittee meetings in the Senate follow a similar trend compared to the House, increasing from the 1950's to the 1970's, and then declining until present day. The number of meetings has hovered between 1,500 and 2,000 since the 1990's.

In general, the number of committee and subcommittee meetings held in a given Congress seems to correspond to the number of bills introduced in that Congress but not to bills passed. Indeed, comparing the ratio of bills introduced to bills passed in the House to the number of Committee and Subcommittee meetings held in the House seem to suggest an inverse relationship.

Legislative Schedule

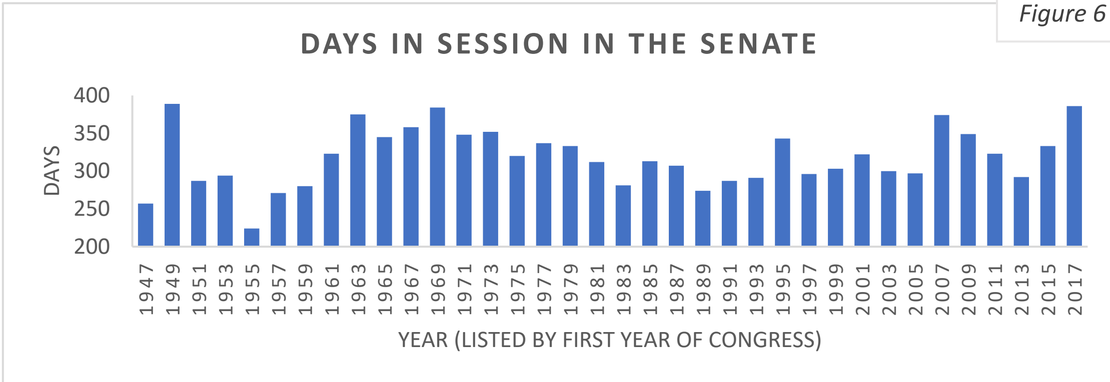
When bills leave committee in either chamber of Congress, they must be brought to the floor for debate. Therefore, the length of the Congressional session and the calendar set by party leadership largely determine which, and how many, bills are ultimately considered. In Congress' lower chamber, "there is no guarantee that the House will debate legislation placed on the calendars. The Speaker and the majority leader largely determine if, when, and in what order bills come up" (Davidson and Oleszek, pg. 315). In the Senate, "the majority and minority leadership actively cooperate in scheduling" (ibid., pg. 326). One might imagine that a Congress with more days in session, and by extension more time to work through a legislative calendar, would be more productive than a Congress with fewer working days.

Figure 5



In the House, the number of days in session increased from the 1950's through the 1960's and into the mid-1970's before declining through the 2000's. The number has picked up again in the last decade. In the House, there does not seem to be a connection between working-days and legislative output. In the 1970's, when days in session peaked, the ratio of bills passed to bills introduced in the House was at an all-time low. During the 112th Congress (2011-2013), the House held the most working days – 330 – since 1973 when it was in session for 334 days. Between 2011 and 2013, the House passed the fewest bills in the entire period from 1947 to present – only 561. By comparison, in the 93rd Congress (1973-1975) the House passed 923, nearly twice as many.

Figure 6



Days in session in the Senate roughly follow the pattern exhibited by the House, with the number of days increasing through the 1960's into the mid 1970's, then decreasing into the 1990's, before picking up again in the most recent decades. Using the same years as the House, the lack of correspondence between working days and productivity is even more visible. During the 112th Congress, the Senate was in session for 349 days. Excluding the 111th Congress, the Senate had not been in session for that long since 1973, when the Senate was in session for 352 days. During the 112th Congress, the Senate passed only 176 bills, the fewest in the entire period from 1947 to present. By comparison, during the 93rd Congress (1973-1975) the Senate passed 1,115; more than six times as many.

Counterintuitively, working days seem to have little bearing on productivity. While working days in the Congress fell during the 1980's and early 1990's, in recent decades they have risen to levels not seen since the 1960's and 1970's. As demonstrated by the Legislative Productivity Index (LPI) that follows, while the 1960's and 70's were characterized by comparatively high productivity levels, productivity has plummeted to historic lows in recent years.

LPI

Having examined trends in the House and Senate related to the introduction and passage of bills, the meetings of committees and subcommittees, and the number of working days in each legislative session, one thing seems clear. Two possible indicators of Congress at work, the number of meetings held by committees and the number of days in session, do not correspond with the basic measure of productivity: the creation of new public policies through legislation. In the period from 1947 to the present, the number of committee and subcommittee meetings rose and fell. The number of days in session rose, fell, and rose again. Yet the number of bills passed has followed a linear, downward trajectory.

Tobin Grant and Nathan Kelly, in their *Legislative Productivity of the U.S. Congress, 1789-2004*, generated a macro index to approximate legislative productivity. They argue that "the total number of public laws [enacted] provides a general indication of how much gets done in Congress" (pg. 309). Their findings, shown for the same time period I use, confirm the conclusions drawn above about productivity in Congress.

Figure 7

Is Polarization the Explanation?

Political scientists call the period from the 73rd (1933-1934) to the 92nd (1971-1972) Congress the "Textbook Congress." During this time, "political party leadership was relatively weak" (Theriault, pg. 26) and polarization was historically low.

Polarization has surely played a role in the decreasing productivity of Congress. Indeed, "political parties in Congress began separating in the mid-1970's" (ibid., pg. 27); the same period that marks the beginning of Congress' precipitous decline in legislative output. The period from the 93rd (1973-74) Congress to the 105th (1997-1998) saw various measures of polarization increase between 39 and 178 percent. During this time and afterwards, members have "ceded more power to their party leadership" (ibid., pg. 5). Majority party leaders have used their increased influence to implement rules changes in both the House and the Senate, weakening committees and, in the process, exacerbating "the inefficiencies within the lawmaking process." Both chambers spend "increasingly more time debating and voting on the increasing number of amendments" on the floor, rather than in committee (ibid., pg. 53). In particular, more frequent use of holds and filibusters has slowed down the Senate.[2]

Rules changes, weakened committees, and more inefficient procedures on the floor partially explain why committee and subcommittee meetings have decreased over the years while days in session have risen. Congress is using its time less efficiently.

---

[2] See "The Impact of the Filibuster on Federal Policymaking" from the Center for American Progress for an historical account.

II. Atrophy

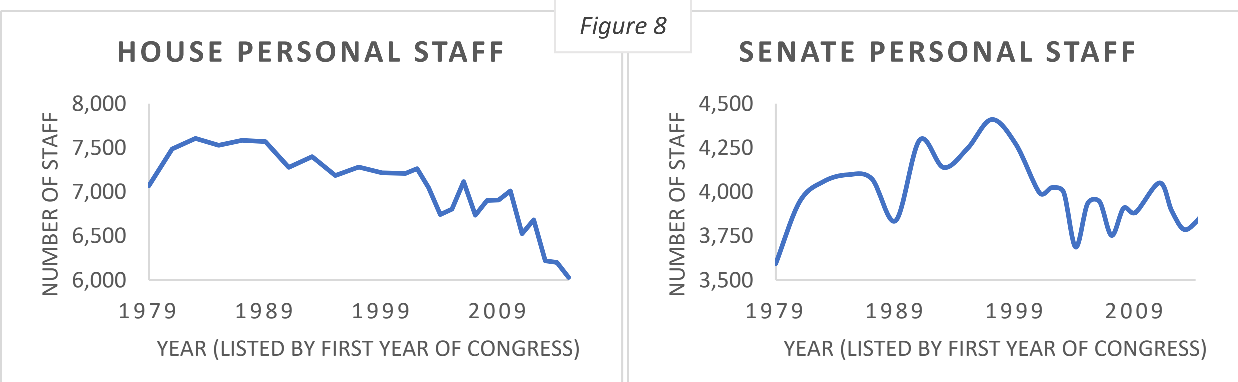
Institutional Capacity, Diminished

The job of a legislator is complex. The responsibilities granted to a member of Congress are extensive, and "faced with the press of excessive obligations and the frequent prospect of needing to be two places at once, members have responded by relying increasingly on staff" (Hall, pg. 28). Today, members of Congress are aided by hundreds of staffers in both their personal offices and in committees, in addition to entire legislative support agencies like the Government Accountability Office (GAO), the Congressional Research Service (CRS), and the now defunct Office of Technology Assessment (OTA). Staffers – whether they work directly for a member, for a committee, or within a support agency – contribute to the institutional capacity of Congress to make informed decisions. On any given issue or range of issues, "staffers must gather and synthesize information about the implications of various alternatives… take these considerations and incorporate them into a recommendation" (Hertel-Fernandez et al, pg. 3).

Personal Staff

Personal staff work directly for individual members of Congress, advising them on matters relevant to their home districts or states, and working with constituents on casework. In the House, a Representative has, on average, about fifteen staffers working for them, while in the Senate the average is about thirty-one (Davidson and Oleszek, pg. 140). However, these numbers have varied over the years and largely depend on how much funding the legislative branch receives during the annual appropriations process.

Figure 8

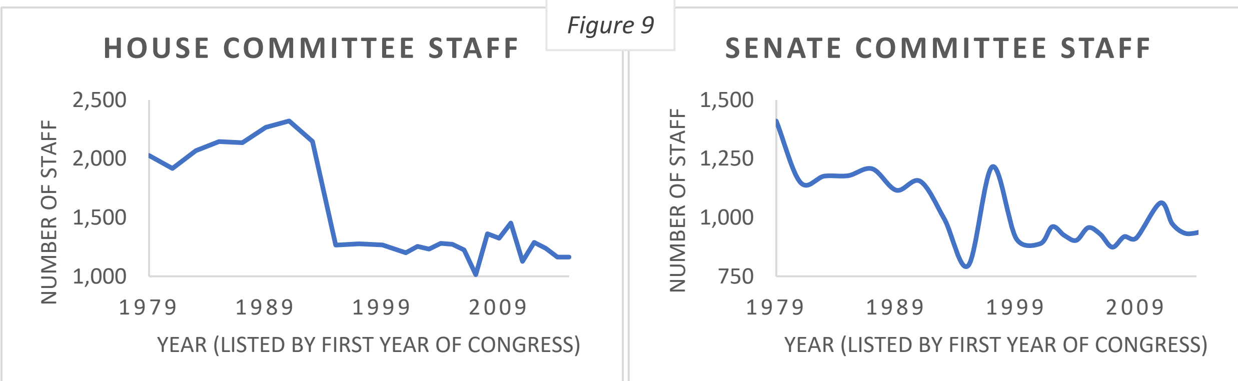


In the 1980's, the number of staffers working directly for members in the House remained fairly consistent, at an average of about 7,500. Beginning in the early 1990's, that number has steadily declined. In 2015, the most recent year for which data is available, there were only 6,000 staffers working directly for members in the House – a 20% decline. In the Senate, the trend-line is less clear. The number of personal staffers increased, for the most part, during the period beginning in the early 1980's and ending in the late 1990's. The period from the late 1990's to the mid 2000's was marked by a sharp decline. Since then, an equilibrium seems to have been reached at a little less than 4,000 staffers each Congress.

Committee Staff

Unlike personal staff, committee staff work in direct relation with the committees and subcommittees in the House and Senate. As has already been established, Congress historically accomplished much of its work in committee rooms. Therefore, it makes sense that committee staff are important players in the lawmaking process. Indeed, members give a fair amount of leeway to committee staff, and "the discretionary agenda of Congress and its committees is largely shaped by [them]" (ibid., pg. 219). Committee staff tend to have substantive expertise and are relied upon by members of Congress when issues are technically complex (DeGregorio, pg. 60).

Figure 9



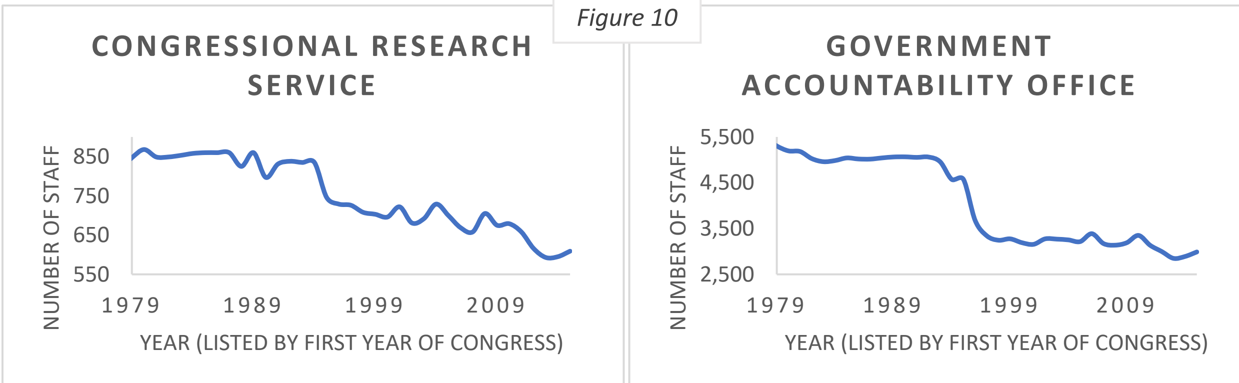
In both the House and the Senate, the number of staff assigned to committees and subcommittees has declined since the 1980's, with the sharpest decreases occurring in the first half of the 1990's. The number of House committee staff peaked in 1991 at 2,321 and fell to its lowest in 2007 at just 1,014. Much like with personal staff, Senate committee staff numbers have not declined as sharply or as consistently as in the House. In 1979, the Senate employed 1,410 committee staffers. That number fell to just 796 in 1995 – a more than 40% decrease. Since then, the number of committee staff has hovered between 900 and 1,000.

Legislative Support Agencies

The work of the legislative branch is supported by three non-partisan agencies. They are "the Congressional Budget Office (CBO), Congressional Research Service (CRS) at the Library of Congress, and the Government Accountability Office (GAO)" (Office of the Clerk, U.S. House of

Representatives). For a time, a fourth existed – the Office of Technology Assessment – but it has since been disbanded. "Unlike committee or personal aides, these agencies operate under strict rules of nonpartisanship and objectivity" to advise elected officials on policy matters (Davidson and Oleszek, pg. 220). These agencies are especially important when policies or issues are technically complex. The CBO was formed in 1974, the CRS in 1914, and the GAO in 1921. The Office of Technology Assessment existed from 1972-1995.

Figure 10



The CBO has been largely immune to any staffing changes over the years. When it was formed in 1975, it had a staff of 193. That number grew steadily until 2010 when it hit a high of 254. It has had, on average, 224 staff members over its 45-year history. The CRS and GAO have been less immune to atrophy. Both agencies have declined steadily in capacity since 1979. At its peak, the CRS had more than 800 staff - in the 1980's and early 1990's. The GAO had about 5,000 staff during this same period. Both agencies saw their numbers fall markedly in the mid-1990's, and their numbers have stayed low since. The CRS now has fewer than 600 staff – a nearly 30% drop since the 1980's. The GAO has about 3,000 staff; about a 40% decrease.

Office of Technology Assessment

"The impetus for OTA was congressional inability to assess major federal programs involving complex technology. The executive branch, with its vast resources, would develop complex programs which Congress has no capability to properly evaluate. So when the time came to vote on issues such as the ABM, the SST, or the Space Shuttle, it was extremely difficult for Congress to marshal the facts and arguments effectively." – Senator Ted Kennedy

The Office of Technology Assessment was established in 1972 to advise members of Congress on technically complex and scientific issues, including analysis of new technologies. During its existences, the OTA published several hundred "studies making significant contributions in areas of concern to Congress" on a wide range of topics, including energy systems, solar energy, automatic train control, acid rain, healthcare and polygraph tests (United States, Government Accountability Office). It was de-funded in 1995.

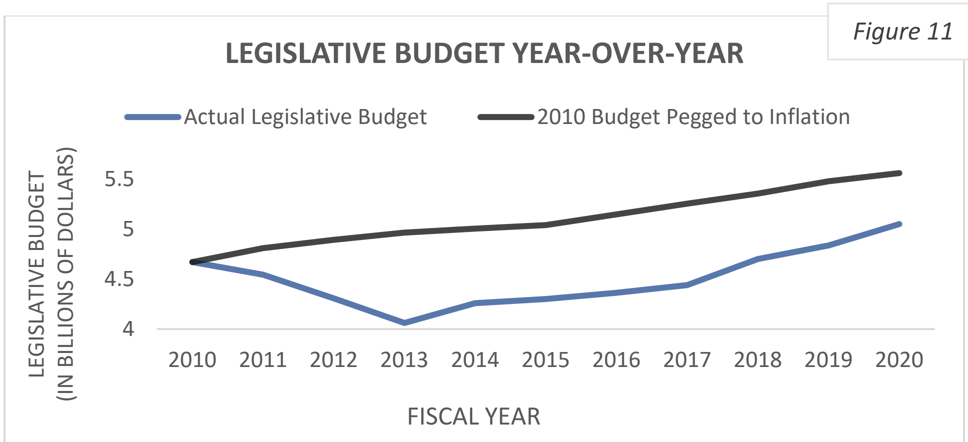
How Much Influence Can One Member Have?

Of the data examined thus far, one period stands out. During the 103rd and 104th Congresses (1993-1997), noticeable declines occurred across the board. In 1993, there were 2,147 House Committee staffers. In 1997, there were just 1,276 – a 40% decline. The Senate fared a little better. At the start of the 103rd Congress, there were 994 Senate Committee staffers. At the start of the 104th, that number had fallen 20% to 796. The support agencies also saw declines. The CRS went from 835 staff in 1993 to 726 in 1997 – down 13%. The GAO fell from to 4,958 staff in 1993 to 3,341 in 1997 – a reduction of one third. Most noticeable of all, the Office of Technology Assessment was completely shut down in 1995.

These changes were all brought about largely by Speaker Newt Gingrich in opposition to President Bill Clinton. Gingrich, leading a group of "newly assertive Republicans" (Mayhew, *America's Congress,* pg. 235), worked to enact a legislative agenda known as the Contract with America, which called for shrinking the size of government, among other reforms. The 1990's were marked by "three successive showdowns over Clinton's budget in 1993, Clinton's healthcare plan in 1993-1994, and the Gingrich-Dole "shut down the government" budget drive of 1995-1996" (ibid., pg. 118). In 2000 – in the immediate aftermath of this period of tumult – noted political scientist David R. Mayhew guessed that "historians will discuss the Republican domestic policy opposition to Clinton during 1993-1996 as one continuous phenomenon with a beginning and an end." He noted that "interbranch conflict, though it did not disappear, dropped from the headlines" (ibid.). While it may have dropped from the headlines, Gingrich's impact is still felt today. Both the number of staff serving committees and the number of staff working for the legislative support agencies have held steady at, or fallen further below, the level set in the 1990's. Gingrich "wiped out the shared system of expert knowledge and analysis inside Congress" depleting institutional memory. Today, neither party has replaced the lost capacity (Kelly).

Legislative Branch Appropriations

Congress funds its own operations each year through an appropriations bill. Of all appropriations Congress makes, the legislative branch bill is the smallest and "comprises approximately 0.4% of total discretionary budget authority" (Congressional Research Service). This appropriation funds, among other budget items, member allowances and the salaries of all Congressional staff, including those who work for committees and support agencies.



The last decade is an illustrative snapshot of Congress' inadequate self-funding. The data is taken from a recent CRS report, examining legislative branch appropriations over the last ten fiscal years. In 2010, legislative branch appropriations totaled 4.669 billion dollars. Had that level of funding been maintained over the next decade, simply pegged to inflation, Congress would have a budget of 5.558 billion dollars in 2020. Instead, the legislative branch budget declined in 2011, 2012 and 2013. Since then, the budget has increased by about 3% on average each year. In 2020, the budget is 5.049 billion dollars. However, that is still 509 million dollars short of 2010 inflation-adjusted levels. Of course, one must consider that during the first few years of this dataset the world was in the midst of a financial crisis, and sequestrations were implemented in response to the recession. Nonetheless, this data shows that Congress is not operating at the level it was a decade ago, despite the recovery in other parts of the economy. Further, the figure only captures recent budget austerity, and does not include the additional cost cutting measures implemented in the 1990's.

Staff Pay and Turnover

In absolute terms, the number of staffers on Capitol Hill has declined since the 1980's. This has had a marked impact on the legislative branch's institutional capacity. Yet, staff do not only contribute to Congress' ability to draft legislation and evaluate policy proposals. They also hold institutional memory. Veteran staffers have rare and valuable expertise. Increasingly, long-serving staffers are harder to come by. The Sunlight Foundation provides one snapshot example. An analysis of spending reports and expenditure data published by the House of Representatives found that "across all members who served in both 2009 and 2011, [the] average retention rate was 64.2%.

At this pace… the average House office [will] turn over fully within three sessions of Congress." In fact, "the Congressional Management Foundation found only half of House legislative directors had been in their position for more than three years, and only 20 percent had been in their position for more than six" (Drutman, *Congress Needs More*).

Less-than-competitive pay is partly to blame. Roll Call, the flagship publication of Congressional Quarterly, analyzed Congressional Research Service Reports from 2009 to 2013 and found that during that period, "[m]edian pay for House 'legislative director' positions declined from $93,013 to $81,177, down 13 percent. Median pay for House 'legislative assistant' positions declined from $55,643 to $48,622, down 13 percent." In the Senate, "[m]edian pay for… 'legislative director' positions declined from $148,288 to $131,912, down 11 percent. Median pay for Senate 'legislative assistant' positions declined from $72,859 to $66,606 down 9 percent."

Low pay not only encourages staffers to look for private-sector opportunities after only a few years of government service; it also discourages talented young people from working for Congress in the first place. The minimum pay for an entry level role in Congress – as a legislative correspondent – is $35,833, and "it can be very, very hard to make that kind of salary work in Washington… that pushes a lot of people toward opportunities elsewhere" (Weissmann). To contextualize the high cost of living in the capital, consider that "the average person needs to make $103,543 a year to comfortably afford a two-bedroom apartment in Washington" (Vinopal).

"Brain Drain"

With fewer and less well-paid staff, Congress is forced "to adapt in order to continue functioning… Rather than becoming more efficient to take full advantage of scarce resources, government organizations develop coping strategies that make operations less efficient and effective" (Kramer). The clearest example of a coping strategy with harmful implications is Congress' increasing reliance on lobbyists for information. This is especially true in light of the decline in the staff of legislative support agencies. When the Congressional Budget Office or the Congressional Research Service "do not have adequate staff to provide Congress with the information it needs to make informed decisions, Congress members must either A) turn somewhere else for their information, or B) make less informed decisions" (ibid).

III. The Market for Legislation

Supply and Demand in the Legislative Process

Up to this point, a number of trends have pointed to the fact that Congress is not functioning the way it was designed to. Fewer bills are being introduced and passed than ever before. Time is being spent in session and in committee with fewer results to show for it. Across the board, there are less staffers working to manage an ever-increasing workload. The Congressional budget has dwindled. Taken together, these factors all help explain Congress' decline in productivity over the last several decades. To understand these trends, political scientists drill another layer deeper, turning to a range of codependent factors like increasing polarization, a shifting electorate, procedural changes, or the motivations of members of Congress themselves. Mitchell and Munger argue that while political science "begins with events and asks how they might be explained, the economist sets forth arbitrary assumptions and deduces likely… outcomes" (pg. 514). Thus, I argue that economics offers a simple model of, at least, the bigger picture. Simply, the effects of supply and demand are at work. It is worth considering legislation as a product "for sale" in the marketplace. If Congress is the producing firm, then its budget, staff, and time can be taken as inputs and legislation can be taken as its output. The observed declines in Congress' labor force (e.g. staffers) and resources (e.g. budget) are forces pushing the supply curve for legislation inward.

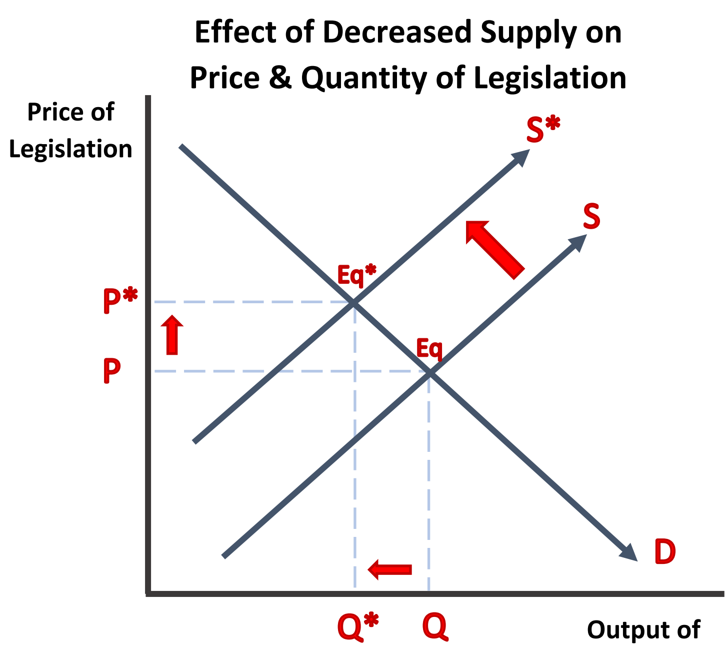


Figure 12

The diagram above demonstrates the impact of this leftward shift. S is the initial supply curve for legislation, S* is the supply curve post-shift, and D is the demand curve for legislation. Given the initial equilibrium position Eq where S=D, the price of legislation is equal to P and the output of legislation is equal to Q. If supply decreases to the point where S*=D, then at the new equilibrium Eq*, price is equal to P* and output is equal to Q*. The distance from Q to Q* is equal to the decrease in legislative output (Q*<Q). The distance from P to P* is equal to the increase in price (P*>P). In simple terms, there is less legislation being produced and its costs more.

Does this model represent what has actually happened since the 1980's? There are three components to consider. First, has there been a change in circumstances that would lead to a decrease in supply? Yes. Congress is working with less; there are fewer inputs going into the production process. Second, has the shift in supply led to a decline in the output of legislation – has Q decreased to Q*? Yes. The number of bills passed in both the House and the Senate have declined dramatically in the preceding decades, and LPI has declined as well. Third, has the price of legislation increased from P to P*? Yes. As price increases and the equilibrium point moves up the demand curve, there are fewer buyers in the marketplace willing to pay for the good at the set price. Today, "for every $1 spent on lobbying by public interest groups and labor unions combined, businesses and business associations spend $34" (Drutman, *Congress Needs More*). Influence over the legislative process is increasingly inaccessible to most people, because it costs a lot to have your voice heard. To borrow the words of E. E. Schattschneider, "the flaw in the pluralist heaven is that the heavenly chorus sings with a strong upper-class accent."

Expanded Role of Lobbyists

Members of Congress turn to lobbyists to get the policy information they need when they are unable to get it from in-house experts. Due to funding cuts and reduced staffing, the in-house experts have become scarcer, and "members' access to specialized knowledge — which committee staffs tend to possess more of than do, say, legislative assistants — is restricted" (Brackemyre). Lobbyists have ably risen to meet the new demand. "In the absence of other sources of information analyzing a piece of legislation, Congress members fall back on documents provided by interest groups and lobbying efforts. The obvious problem with this coping mechanism is that information provided by third-party interest groups is sure to be biased in favor of the interest they represent and/or against an interest they oppose" (Kramer).

There are now more special interest groups represented in Washington than ever before. In 1968, there were 100 corporations with public affairs offices in D.C. A decade later, there were 500. In 1971, only 175 corporations had registered lobbyists working on their behalf. A decade later, there were registered lobbyists working for 2,500 corporations. In 1976, there were fewer than 300 corporate political action committees raising money to influence elections and legislation. A decade later, there were four times as many (Hacker and Pierson).

The influence of the lobbying industry on the federal legislative process has continued to increase since the period of enormous growth between the 1970's and 1980's. Today, more money is spent lobbying Congress than Congress spends on itself: "Corporations spend about $2.6 billion a year on reported lobbying expenditures—more than the $2 billion we spend to fund the House and Senate. It's a gap that has been widening since corporate lobbying began to regularly exceed the combined House-Senate budget in the early 2000s" (Drutman, *Corporate Lobbyists*).

Revolving Door

Staff on Capitol Hill are not immune to the influence of the private sector. As previously discussed, staffers are poorly paid, and most do not stay in their roles for very long. In part, high turnover can be attributed to the fact that staffers are undervalued relative to what their skills and talents are worth in the private sector. Senior staff on "average would earn 40% more in the private sector than on Capitol Hill" (Schuman). Staff also bring another asset to the private sector – their rolodex. Lobbying firms recognize that "experience in government allows former [staffers] to develop a network of friends and colleagues that they can later exploit on behalf of their clients" and are eager to pay a premium for those connections. Indeed, since "lobbying salaries are typically several times higher than public sector salaries" it is evident "that former [staffers] are effectively 'cashing in on their government connections'" (Blanes i Vidal, et al., pg. 2). The draw of a higher salary is felt well before a staffer leaves for K-Street. Notorious lobbyist Jack Abramoff claims, "the 'best way' to get a congressional office to do a lobbyist's bidding is by offering a staffer a job that could triple his or her salary" (Dovi, pg. 539). The standing offer for a job later on gives lobbyists immense leverage over staff.

Rent Seeking and Increasing Inequality

Lobbying is a form of rent-seeking. Economists define rent-seeking as "the attempt by private individuals to use the power of government to get returns above what they could earn in competitive markets… In rent-seeking, government creates above-market returns for favored players" (McChesney, pg. 1). Lobbyists have been enormously successful in winning above-market returns for their clients.

Sometimes, gains are made by specific industries. For example, the sugar industry spends about 10 million dollars each year on lobbying, to ensure that favorable policies are enforced. The federal government protects the industry in two ways. First, the government has imposed tariffs on imported sugar to protect domestic growers. Second, the government imposes a price floor on sugar, so that when prices fall, the government buys sugar at an above market price. For a 10-million-dollar investment, the sugar industry gains about 280 million dollars in government expenditures (Tucker). In other words, the sugar industry makes a 2,700% return on investment – or rather a return on lobbying – each year.

Gains have also been made by entire sectors of the economy. Many of the largest successes have been in deregulating the financial sector. In particular, in the 1990's "the banking industry lobbied heavily to further free itself from regulation… which enabled the emergence of large "universal" banks and a non-transparent market in derivatives. Before the bust in the U.S. housing market, the rapidly expanding financial sector took home some 40 percent of all corporate profits" (Fukuyama).

Lobbying efforts have even led to the implementation of policies which benefitted hundreds of multinational corporations at once, spanning industries and sectors. The American Jobs Creation Act of 2004 included a one-time provision which lowered the corporate tax rate from 35% to just over 5% for companies that brought profits back from abroad into the U.S. Firms that lobbied in favor of, and ultimately benefited from, this tax-break made "a return in excess of $220 for every $1 spent on lobbying, or 22,000%" return on investment (Alexander, et al.).

Rent-seeking efforts have changed the way government interacts with the private sector, reshaping the economy is ways that favor those with the means to lobby elected officials. Government actions taken toward "deregulating the market, the financial markets, allow wealthy people to gamble with their own and other peoples' money, in ways that put all of us at risk, but allow them to make huge fortunes" (Moyers). Econometric data shows the true scale of these fortunes. In just the five years from 2002 to 2007, a period of economic expansion, those in the top one percent of earners captured two thirds of income growth (Saez).

While the share of the winnings, in terms of sheer size, taken by those who can afford to engage in lobbying may be surprising, the fact that lobbyists were able to encourage the government to enable them through special provisions in the first place is not. It is "conventional wisdom among political scientists and public choice economists alike that concentrated interests regularly triumph in clashes with the general public." Since lobbyists have "organizational and informational advantages, it is no surprise that they are often able to extract economic rents from the larger public with the help of government policy-makers" (Patashnik, pg. 203-204).

Justice as Efficiency

John Rawls argued in *A Theory of Justice* that in a well ordered and just society, "social and economic inequalities are to be arranged so that they are… to the greatest expected benefit of the least advantaged" (Rawls, pg. 72). This Difference Principle imposes a moderate restriction on economic inequalities to ensure the welfare of the least well off. When Rawls' work was published, it seemed "to offer real hope that we could make some progress toward reducing economic inequality in America without tearing American society apart" (Reiff, pg. 123). Yet, since it's publication in 1971, it is as if the U.S. has done the reverse, operating under a sort of "Indifference Principle." While the wealthiest one percent of earners have seen their share of the pie grow enormously over the last several decades, "those at the bottom of the income ladder have benefited only minimally from the significant gains in overall production" (Noah) made in the same period.

The wealthy few, the favored players, have managed to win above-market returns, in part thanks to their lobbying efforts. For decades, Congress has failed to object to policy changes that provide concentrated benefits to the few and diffuse costs to the many (Binder, pg. 201). On a national scale, "the universal pursuit of political advantage [has led] to perverse results which redistribute rents from unorganized groups to organized interests." (Mitchell and Munger, pg. 516-517). Organized interests have made major gains at the expense of everyday Americans, contributing to the greatest income inequality in a century. For all the wealth redistributed to the top, most Americans haven't seen any trickle down – "real incomes for workers peaked sometime back in the 1970s and have not recovered since" (Fukuyama). Economic inequalities have been arranged so that they are to the greatest expected benefit of the most advantaged.

IV. Reform is Possible

While rent-seeking efforts have not been the sole cause of the great income inequality observed in the Unites States today, they have certainly been a contributing factor. Congress and K-Street have developed an unhealthy symbiotic relationship. It is true that, at the margins, lobbyists exert influence over the policymaking process in this country in ways that lead to outsized benefits for a few at the expense of the many. However, there are steps that could be taken to strengthen Congress and weaken the influence of special interests. Reforming and investing in Congress is not only a step toward a more just and fair society as conceived by Rawls, it is also a further step in the continuing democratic tradition of forming a more perfect union.

Fortunately, steps are being made. The House established a Select Committee on the Modernization of Congress in January of 2019 to examine ways to make the chamber work more effectively and efficiently. Established by H. Res. 6, the bipartisan committee of 12, as described on the committee's house.gov site, "is tasked to investigate, study, make findings, hold public hearings, and develop recommendations to make Congress more effective, efficient, and transparent on behalf of the American people." Much scholarship on the topic of reform has also been published within academia and by think tanks.

Rebuilding Capacity

The first and most obvious reform is simply to hire more staff and to pay them well. If Capitol Hill jobs were more competitive with the private sector, Congress would be able to attract and retain more talented staffers in entry-level roles. Additionally, Congressional jobs would be more accessible to a more diverse range of people. Currently, not everyone can afford to take a low-paying role on the Hill, let alone volunteer for an internship.[3] Individuals with greater financial resources have an easier time bearing the financial hardship associated with a low-paid position. "A representative institution needs to be reasonably representative of that society" (Mayhew, *Congress as Problem Solver,* pg. 229) and higher paying positions would enable staffers to come from a wider array of socio-economic backgrounds.

Right now, staff are stretched thin and juggle a large array of responsibilities. Higher pay coupled with a more manageable workload would also decrease turnover and make "cashing-in" on K-Street less appealing. Furthermore, with more staff in personal and committee offices as well as in the legislative support agencies, Congress would have a larger source of in-house expertise to draw on, reducing the need to out-source information gathering and policy analysis to biased special interests. If Congress were less dependent on information provided by well-informed lobbying firms, Congress could also pay attention to organizations and interest groups representing broader

[3] Paid internships were once commonplace but have become rare in the face of budget cuts. Fortunately, recent steps have been made to pay Capitol Hill interns a living wage.
Kane, Paul. "Paid Internships Are a Reality Again in Congress after Public Shaming." The Washington Post, WP Company, 12 Mar. 2019.

groups and those with fewer resources. To return to the economic model, if Congress increases its labor-input, it could shift the supply curve for legislation to the right and enable more "customers" to come to the table. By cultivating a greater store of in-house expertise, Congress could sift through more information provided by more citizen voices. With greater access to impartial information, and thereby less ambiguity and uncertainty about policy solutions, Congress is more likely to adopt efficient solutions (ibid, pg. 206).

Reestablishing the Office of Technology Assessment would also go a long way toward helping Congress make informed decisions. As Gerber and Patashnik note, one of the more serious problems with government performance is the failure to bring relevant information to bear on complex problems (pg. 9). In the years ahead, technology will continue to play an increasing role in American life, and Congress will need to be able to make informed decisions on often technically complex matters. Bringing Silicon Valley expertise to Washington D.C. would not only make Congress a smarter deliberative body, but an increased willingness to embrace new technologies would make Congress more efficient too. A future in which members of Congress are comfortable using email and smartphones is a bright one.[4]

Congress' current lack of tech-competence has serious implications for effective oversight and policy decision making. In 2018 when hearings were held with the CEOs of Google and Facebook, "members of Congress struggled to grapple with technologies used daily by most Americans and with the functions of the Internet itself. Given an opportunity to expose the most powerful businesses on Earth to sunlight and scrutiny, the hearings did little to answer tough questions about the tech titans' monopolies or the impact of their platforms" largely because, as Congressman Bill Pascrell argues, "our available resources and our policy staffs, the brains of Congress, have been so depleted that we can't do our jobs properly" (Pascrell).

Strengthening committees would help Congress return to previous levels of productivity. As President Woodrow Wilson said, "Congress in session is Congress on public exhibition, whilst Congress in its committee-rooms is Congress at work." C-SPAN, combined with the 24-hour news cycle, has made every floor discussion an opportunity to land the latest soundbite. While striking a balance with the need for transparency, moving more substantive work from the floor back to the

[4] Senate Minority Leader Chuck Schumer uses a flip phone, Senator Lindsay Graham has never sent an email, and Congressman Jim Sensenbrenner still uses a typewriter.
Longman, Martin. "How Congress Got Dumb on Tech-and How It Can Get Smart." *Washington Monthly*, 9 Apr. 2019.

committee rooms might encourage greater candor, thoughtful deliberation and bipartisan cooperation.

A way to accomplish these reforms while also combating polarization could be to shift some power from the party leadership to the chairs of individual committees. During the mid-twentieth century, the close working relationships between committee chairs and ranking members were a note of particular pride and fondness in the House (Fenno). At that same time, chairmen were self-reliant and resistant to chamber and party control. “Committee chairmen owed little or nothing to party leaders” (Davidson and Oleszek, pg. 297). In those years, chair assignments were based purely on seniority – the member with the most years of service on the committee automatically became the chair when his or her party gained the majority. Now, chair positions are determined by elections which are often influenced by party leadership. Returning to a more rigid seniority approach to chair positions would not only reward the development of policy expertise but also might give more members of Congress leeway to influence policy productivity.

One problem with “the delegation of policy authority to congressional committees with fixed jurisdiction” is that “legislators have an incentive to join those committees that produce legislation of keenest interest to their constituencies” which “allows narrow interests to secure concentrated benefits from favored committees” (Binder, pg. 201). Committee assignments are often used by party leadership to reward members who are successful fundraisers (Heberlig, pg. 151). A position on the House Committee on Financial Services is more likely to bring with it campaign contributions and a potentially lucrative exit-opportunity into the private sector than, say, a seat on The House Commission on Congressional Mailing Standards which primarily deals with franking regulation. Another possible solution might be to randomize committee assignments. This would not only help to curtail the heavy-handed influence of party leadership, but also limit the power of lobbyists.

One noticeable change in Congress from the 1960’s to the present is the decrease in opportunities for member-to-member contact. “The availability of plane travel makes it obligatory to go back to Las Vegas or Milwaukee regularly” (Mayhew, *Congress as Problem Solver,* pg. 226-227) which means members’ time is increasingly split between D.C. and their home states. In the past, members would move to D.C. to serve their terms, but now most travel home every weekend. More time is spent commuting, and less time working. Typically, Representatives and Senators treat the beginning and end of the week as travel days, leaving only a precious few full days in D.C. to get things done. With such a compressed schedule, it is obvious why members of opposing parties struggle to get to know one another.

When asked if she had any Republican friends, Rep. Niki Tsongas said, "That changed when we all stopped living here. Many years ago, we lived here. And our neighborhood was peopled with members of Congress. When you structure the workweek Monday to Thursday, Tuesday to Friday, you just don't have that opportunity. The days are intense, you work hard, and then you make your way right home" (Tsongas). In 1988, the Senate experimented with a three week on, one week off schedule (Davidson and Oleszek, pg. 326). It is worth considering if a similar model could be reimplemented. During the on-weeks, members of Congress could give their full attention to legislative business. In the off-weeks, members could be fully attentive to the needs of their constituents at home. Far less time would be spent traveling back and forth. Going one step further, the weeks could be synchronized between the House and Senate, so that they are assured to be in session at the same time.

Conclusion

Congress' legislative and problem-solving capacity has declined over the last several decades. Lobbyists have filled the void, enabling policies that have contributed to great inequalities while calling into question the impartiality of our legislative institutions. However, common sense reforms are possible. If our national pursuit of a more perfect union is reflected in that body which is meant to represent us, a more perfect Congress is also within reach. A collection of changes could help rebuild Congress. Increasing the legislative branch appropriation to budget for a larger and better paid cohort of expert staffers, while rebuilding the Office of Technology Assessment, would reactivate Congress' intelligence. Restructuring and re-empowering committees and their leadership would strengthen Congress as an able body. Reshaping the way members of Congress interact - enabling friendships and working partnerships to once again form across partisan divides - would reignite Congress' humanity. If fidelity to an equal and plural democracy is the code of our republic, then surely the code of our humanity is faithful service to that unwritten commandment which says we shall leave things better than we found them. The Congress of today need not be the Congress of tomorrow.

References

Alexander, Raquel Meyer, et al. "Measuring Rates of Return for Lobbying Expenditures: An Empirical Case Study of Tax Breaks for Multinational Corporations." *SSRN Electronic Journal*, 2009

Binder, Sarah. "Can Congress Serve the General Welfare?" *Promoting the General Welfare*, edited by Gerber, Alan and Patashnik, Brookings Institution Press, 2006, pp. 199-218

Blanes i Vidal, Jordi and Draca, Mirko and Fons-Rosen, Christian, Revolving Door Lobbyists (July 16, 2010). 5th Annual Conference on Empirical Legal Studies Paper.

Brackemyre, Kristin. "Capitol Hill Staff Shortage." *Public Affairs Council.*

Congressional Research Service. Legislative Branch: FY2020 Appropriations (R45755), Prepared by Ida A. Brudnick. Feb. 12, 2020.

Davidson, Roger H. "The Lawmaking Congress." *Law and Contemporary Problems*, vol. 56, no. 4, 1993, pp. 99–119.

Davidson, Roger H., and Walter J. Oleszek. *Congress and Its Members*. 3rd ed., CQ Press, A Division of Congressional Quarterly Inc., 1990.

DeGregorio, Christine. "Professional Committee Staff as Policymaking Partners in the U.S. Congress." *Congress & the Presidency*, vol. 21, no. 1, 1994, pp. 49–65.

Dovi, Suzanne. "The Ethics of The Revolving Door." *The Georgetown Journal of Law and Public Policy*, vol. 12, Special Issue 2014, pp. 535–561.

Drutman, Lee. "Congress Needs More and Better-Paid Staff." *Roll Call*, 21 Mar. 2016.

Drutman, Lee. "How Corporate Lobbyists Conquered American Democracy." *The Atlantic*, Atlantic Media Company, 20 Apr. 2015.

Edward M. Kennedy, "Toward the Year 2000" address before the World Future Society, June 3, 1975, reprinted in *the Congressional Record*, June 17, 1975.

Fenno, Richard. *Congressmen in Committees*. Little, Brown, 1973.

Fukuyama, Francis. "Left Out." *The American Interest*, vol. 6, no. 3, 1 Jan. 2011.

Grant, J. Tobin, and Nathan J. Kelly. "Legislative Productivity of the U.S. Congress, 1789-2004." *Political Analysis*, vol. 16, no. 3, 2008, pp. 303–323.

Gerber, Alan and Patashnik, Eric. "Government Performance: Missing Opportunities to Solve Problems." *Promoting the General Welfare*, Brookings Institution Press, 2006, pp. 3-18.

Hacker, Jacob S., and Pierson, Paul. *Winner-Take-All Politics: How Washington Made the Rich Richer - and Turned Its Back on the Middle Class*. Simon & Schuster, 2011.

Hall, Richard L. *Participation in Congress*. Yale University Press, 1998.

Heberlig, Eric S. "Congressional Parties, Fundraising, and Committee Ambition." *Political Research Quarterly*, vol. 56, no. 2, June 2003, pp. 151–161.

Hertel-Fernandez, Alexander, et al. "Legislative Staff and Representation in Congress." *American Political Science Review*, vol. 113, no. 1, Nov. 2018, pp. 1–18.

Kelly, Lorelei. "Dumb by Design: Gingrich's Lobotomy of Congress and Today's Dysfunction." HuffPost, HuffPost, 29 Jan. 2012.

Kramer, Curtlyn. "Vital Stats: Congress Has a Staffing Problem, Too." *Brookings*, Brookings Institution, 24 May 2017.

Mayhew, David R. *America's Congress: Actions in the Public Sphere, James Madison Through Newt Gingrich*. Yale University Press, 2002.

Mayhew, David. "Congress as Problem Solver." *Promoting the General Welfare*, edited by Gerber, Alan and Patashnik, Brookings Institution Press, 2006, pp. 219-236.

Mitchell, William C., and Michael C. Munger. "Economic Models of Interest Groups: An Introductory Survey." *American Journal of Political Science*, vol. 35, no. 2, May 1991, pp. 512–546.

Moyers, Bill. "On Winner-Take-All Politics" *Moyers & Company*, interviewees Hacker, Jacob and Pierson, Paul, 13 Jan. 2012.

Noah, Timothy. "The Great Divergence." *Slate*.

Oliver, Charles. "Law Prof. Fred S. McChesney On Politics As A Marketplace." *Investor's Business Daily*, 10 May 1999, p. A04.

Ornstein, Norman J., et al. *Vital Statistics on Congress 2019*. Brookings Institution, 2019.

Pascrell, Bill. "Why Is Congress so Dumb?" *The Washington Post*, WP Company, 11 Jan. 2019.

Patashnik, Eric. "After the Public Interest Prevails: The Political Sustainability of Policy Reform." *Governance*, vol. 16, no. 2, Apr. 2003, pp. 203–234.

Rawls, John. *A Theory of Justice*. Cambridge, Mass., The Belknap Press of Harvard University Press, 1999.

Reiff, Mark R. "The Difference Principle, Rising Inequality, and Supply-Side Economics: How Rawls Got Hijacked by the Right." *Revue De Philosophie Économique*, vol. 13, no. 2, 2012, pp. 119–173.

Saez, Emmanuel. "Striking It Richer: The Evolution of Top Incomes in the United States (Updated with 2008 Estimates)." University of California, Department of Economics, 17 July 2010.

Schuman, Daniel. "Keeping Congress Competent: Staff Pay, Turnover, And What It Means for Democracy." *Sunlight Foundation*, 21 Dec. 2010.

Sunlight Foundation. "Turnover in the House: Who Keeps - And Who Loses - the Most Staff." *ProPublica*, 6 Feb. 2012.

Theriault, Sean M. *Party Polarization in Congress*. Cambridge University Press, 2008.

Tsongas, Niki. "15 Departing Congress Members Tell the Newbies What to Expect." Interview by Alexandra Pelosi. *VICE News*. 14 Jan. 2019.

United States, Government Accountability Office. *The Office of Technology Assessment*. Oct. 13, 1977.

Vinopal, Courtney. "The Utterly Depressing Figure You Need to Earn to Live 'Comfortably' in DC." *Washingtonian* 14 July, 2017.

Weissmann, Jordan. "Congress Needs to Give Itself a Raise." *Slate Magazine*, Slate, 11 June 2019.

Appendix

Productivity in the House			
Year	Bills Introduced	Bills Passed	Ratio of Bills Passed / Bills Introduced
1947	7,611	1,739	0.228
1949	10,502	2,482	0.236
1951	9,065	2,008	0.222
1953	10,875	2,129	0.196
1955	13,169	2,360	0.179
1957	14,580	2,064	0.142
1959	14,112	1,636	0.116
1961	14,328	1,927	0.134
1963	14,022	1,267	0.090
1965	19,874	1,565	0.079
1967	22,060	1,213	0.055
1969	21,436	1,130	0.053
1971	18,561	970	0.052
1973	18,872	923	0.049
1975	16,982	968	0.057
1977	15,587	1,027	0.066
1979	9,103	929	0.102
1981	8,094	704	0.087
1983	7,105	978	0.138
1985	6,499	973	0.150
1987	6,263	1,061	0.169
1989	6,664	968	0.145
1991	6,775	932	0.138
1993	5,739	749	0.131
1995	4,542	611	0.135
1997	5,014	710	0.142
1999	5,815	957	0.165
2001	5,892	677	0.115
2003	5,547	801	0.144
2005	6,540	770	0.118
2007	7,441	1101	0.148
2009	6,677	861	0.129
2011	6,845	561	0.082
2013	6,030	682	0.113
2015	6,634	896	0.135
2017	7,542	1,162	0.154

Table 1 - Data for Figure 1

Productivity in the Senate			
Year	Bills Introduced	Bills Passed	Ratio of Bills Passed / Bills Introduced
1947	3,186	1,670	0.524
1949	4,486	2,362	0.527
1951	3,665	1,849	0.505
1953	4,077	2,231	0.547
1955	4,518	2,550	0.564
1957	4,532	2,202	0.486
1959	4,149	1,680	0.405
1961	4,048	1,953	0.482
1963	3,457	1,341	0.388
1965	4,129	1,636	0.396
1967	4,400	1,376	0.313
1969	4,867	1,271	0.261
1971	4,408	1,035	0.235
1973	4,524	1,115	0.246
1975	4,115	1,038	0.252
1977	3,800	1,070	0.282
1979	3,480	976	0.280
1981	3,396	786	0.231
1983	3,454	936	0.271
1985	3,386	940	0.278
1987	3,325	1,002	0.301
1989	3,669	980	0.267
1991	3,738	947	0.253
1993	2,805	682	0.243
1995	2,266	518	0.229
1997	2,718	586	0.216
1999	3,343	819	0.245
2001	3,242	554	0.171
2003	3,078	759	0.247
2005	4,163	684	0.164
2007	3,738	556	0.149
2009	4,101	176	0.043
2011	3,767	364	0.097
2013	3,038	618	0.203
2015	3,589	427	0.119
2017	3,874	583	0.150

Table 2 - Data for Figure 2

Number of Committee and Subcommittee Meetings		
Year	House	Senate
1955	3,210	2,607
1957	3,750	2,748
1959	3,059	2,271
1961	3,402	2,532
1963	3,596	2,493
1965	4,367	2,889
1967	4,386	2,892
1969	5,066	3,264
1971	5,114	3,559
1973	5,888	4,067
1975	6,975	4,265
1977	7,896	3,960
1979	7,033	3,790
1981	6,078	3,236
1983	5,661	2,471
1985	5,272	2,373
1987	5,388	2,493
1989	5,305	2,340
1991	5,152	2,039
1993	4,304	2,043
1995	3,796	1,601
1997	3,624	1,954
1999	3,347	1,862
2001	2,254	1,605
2003	2,135	1,506
2005	2,492	1,513
2007	2,949	2,458
2009	2,426	2,374
2011	2,524	1,577
2013	2,307	1,559
2015	2,112	1,595
2017	1,841	1,633

Table 3 - Data for Figures 3-4

Days in Session		
Year	House	Senate
1947	254	257
1949	341	389
1951	274	287
1953	226	294
1955	228	224
1957	276	271
1959	271	280
1961	305	323
1963	334	375
1965	337	345
1967	326	358
1969	349	384
1971	298	348
1973	334	352
1975	311	320
1977	324	337
1979	326	333
1981	305	312
1983	267	281
1985	282	313
1987	299	307
1989	288	274
1991	278	287
1993	266	291
1995	296	343
1997	252	296
1999	276	303
2001	272	322
2003	248	300
2005	247	297
2007	286	374
2009	290	349
2011	330	323
2013	298	292
2015	288	333
2017	384	386

Table 4 - Data for Figures 5-6

Legislative Productivity	
Year	LPI
1947	144.2
1949	153.2
1951	141.4
1953	148.7
1955	161.3
1957	166.1
1959	161.8
1961	178.5
1963	173.8
1965	186.6
1967	174.9
1969	178.8
1971	171.3
1973	172.3
1975	164.1
1977	167.9
1979	157.8
1981	149.9
1983	153.8
1985	154.0
1987	160.5
1989	164.8
1991	152.5
1993	143.3
1995	131.7
1997	131.0
1999	128.3
2001	124.8
2003	123.7

Table 5 - Data for Figure 7

Member Staff				
Year	House (personal)	Senate (personal)	House (committee)	Senate (committee)
1979	7,067	3,593	2,027	1,410
1981	7,487	3,945	1,917	1,150
1983	7,606	4,059	2,068	1,176
1985	7,528	4,097	2,146	1,178
1987	7,584	4,075	2,136	1,207
1989	7,569	3,837	2,267	1,116
1991	7,278	4,294	2,321	1,154
1993	7,400	4,138	2,147	994
1995	7,186	4,247	1,266	796
1997	7,282	4,410	1,276	1,216
1999	7,216	4,272	1,267	910
2001	7,209	3,994	1,201	889
2002	7,263	4,024	1,255	961
2003	7,048	3,998	1,231	924
2004	6,742	3,687	1,280	903
2005	6,804	3,934	1,272	957
2006	7,117	3,944	1,225	929
2007	6,735	3,753	1,014	874
2008	6,903	3,908	1,362	919
2009	6,907	3,884	1,324	913
2010	7,012	null	1,454	null
2011	6,525	4,051	1,127	1,062
2012	6,683	3,894	1,289	973
2013	6,219	3,788	1,238	934
2014	6,201	3,827	1,163	935
2015	6,030	3,917	1,164	951

Table 6- Data for Figures 8-9

Support Agency Staff		
Year	CRS	GAO
1979	847	5,303
1980	868	5,196
1981	849	5,182
1982	849	5,027
1983	853	4,960
1984	858	4,985
1985	860	5,042
1986	860	5,019
1987	860	5,016
1988	825	5,042
1989	860	5,063
1990	797	5,066
1991	831	5,054
1992	838	5,062
1993	835	4,958
1994	835	4,572
1995	746	4,572
1996	729	3,677
1997	726	3,341
1998	708	3,245
1999	703	3,275
2000	696	3,192
2001	722	3,155
2002	681	3,275
2003	692	3,269
2004	729	3,252
2005	700	3,215
2006	669	3,388
2007	658	3,172
2008	705	3,137
2009	675	3,191
2010	679	3,350
2011	658	3,134
2012	616	2,997
2013	593	2,849
2014	595	2,891
2015	609	2,989

Table 7 - Data for Figure 10

Legislative Budget Year-Over-Year				
Fiscal Year	Actual Legislative Budget (in billions of $)	%Δ from Year Previous	Inflation (%)	2010 Budget, pegged to inflation (in billions of $)
2010	4.669	0	0	4.669
2011	4.543	-2.70	3	4.809
2012	4.307	-5.20	1.70	4.891
2013	4.061	-5.60	1.50	4.964
2014	4.259	4.90	0.80	5.004
2015	4.3	1.00	0.70	5.039
2016	4.363	1.50	2.10	5.145
2017	4.44	1.70	2.10	5.253
2018	4.7	5.90	1.90	5.353
2019	4.836	2.90	2.30	5.476
2020	5.049	4.20	1.50	5.558

Table 8 - Data for Figure 11

Notes:

Data source for tables 1-4, 6, and 7 is Vital Statistics on Congress 2019.
Data source for table 5 is Legislative Productivity of the U.S. Congress, 1789-2004.
For table 8, inflation was calculated using 12-month Consumer Price Index from Bureau of Labor Statistics.