

CONGRESS AND PROGRESS

HON. CHAKA FATTAH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 2010

Mr. FATTAH. Madam Speaker, I rise today to call to the attention of my colleagues an important and insightful commentary in the Sunday Washington Post—"A Very Productive Congress" by Norman Ornstein, resident scholar at the American Enterprise Institute.

Norman Ornstein is no raving liberal, nor is AEI considered among the ranks of progressive think tanks. Even more to the point, Ornstein is no fan of this august body. As the editor's note describes, he is co-author of "The Broken Branch: How Congress Is Failing America and How to Get It Back on Track." His study, co-written with Thomas Mann, was published in 2006 when, I might suggest, a great many in the House today would have readily agreed.

So it is significant and, frankly, a hopeful sign for progress in our democracy that Ornstein cites the high legislative achievement of the 111th Congress and the dramatic if overlooked success of President Obama since January 2009:

"... This Democratic Congress is on a path to become one of the most productive since the Great Society 89th Congress in 1965-66, and Obama already has the most legislative success of any modern president—and that includes Ronald Reagan and Lyndon Johnson," Ornstein writes. "The deep dysfunction of our politics may have produced public disdain, but it has also delivered record accomplishment."

Ornstein in particular praises the American Recovery and Reinvestment Act as a monumental achievement that would draw even greater recognition if it had been passed as a series of separate programs to reshape and fund education reform, health information technology, an energy smart grid, far-reaching job recovery and much more—"Instead, the Congress did it in one bill."

I am a dedicated viewer of the Sunday talk shows. This past Sunday my channel surfing failed to locate a single commentator, legislator, scholar or talking head referencing the Ornstein essay. So I am sharing Norman Ornstein's article here in hopes that it will stimulate further discussion, appreciation of the Congressional leadership, and proper perspective of our accomplishments at both ends of Pennsylvania Avenue.

[From the Washington Post, Jan. 31, 2010]

A VERY PRODUCTIVE CONGRESS, DESPITE
WHAT THE APPROVAL RATINGS SAY

(By Norman Ornstein)

When President Obama urged lawmakers during his State of the Union speech to work with him on "restoring the public trust," he was hardly going out on a limb. The Congress he was addressing is one of the least popular in decades. Barely a quarter of Americans approve of the job it's doing, according to the latest Gallup/USA Today poll, while 58 percent said it was below average or one of the worst ever, according to an NBC/Wall Street Journal survey last month.

It's not hard to find reasons why Americans are down on Capitol Hill, and why President Obama's approval rating has dropped below 50 percent in many polls. A year into the 111th Congress, unemployment

remains at 10 percent, and many Americans are struggling to get by—even as they've watched Congress bail out banks and coddle the same bankers now salivating over massive new bonuses. At the same time, the public has had a front-row seat to the always messy legislative process on health care and other issues, and this past year that process has been messier, more rancorous and more partisan than at any point in modern memory.

There seems to be little to endear citizens to their legislature or to the president trying to influence it. It's too bad, because even with the wrench thrown in by Republican Scott Brown's election in Massachusetts, this Democratic Congress is on a path to become one of the most productive since the Great Society 89th Congress in 1965-66, and Obama already has the most legislative success of any modern president—and that includes Ronald Reagan and Lyndon Johnson. The deep dysfunction of our politics may have produced public disdain, but it has also delivered record accomplishment.

The productivity began with the stimulus package, which was far more than an injection of \$787 billion in government spending to jump-start the ailing economy. More than one-third of it—\$288 billion—came in the form of tax cuts, making it one of the largest tax cuts in history, with sizable credits for energy conservation and renewable-energy production as well as home-buying and college tuition. The stimulus also promised \$19 billion for the critical policy arena of health-information technology, and more than \$1 billion to advance research on the effectiveness of health-care treatments.

Education Secretary Arne Duncan has leveraged some of the stimulus money to encourage wide-ranging reform in school districts across the country. There were also massive investments in green technologies, clean water and a smart grid for electricity, while the \$70 billion or more in energy and environmental programs was perhaps the most ambitious advancement in these areas in modern times. As a bonus, more than \$7 billion was allotted to expand broadband and wireless Internet access, a step toward the goal of universal access.

Any Congress that passed all these items separately would be considered enormously productive. Instead, this Congress did it in one bill. Lawmakers then added to their record by expanding children's health insurance and providing stiff oversight of the TARP funds allocated by the previous Congress. Other accomplishments included a law to allow the FDA to regulate tobacco, the largest land conservation law in nearly two decades, a credit card holders' bill of rights and defense procurement reform.

The House, of course, did much more, including approving a historic cap-and-trade bill and sweeping financial regulatory changes. And both chambers passed their versions of a health-care overhaul. Financial regulation is working its way through the Senate, and even in this political environment it is on track for enactment in the first half of this year. It is likely that the package of job-creation programs the president showcased on Wednesday, most of which got through the House last year, will be signed into law early on as well.

Most of this has been accomplished without any support from Republicans in either the House or the Senate—an especially striking fact, since many of the initiatives of the New Deal and the Great Society, including Social Security and Medicare, attracted significant backing from the minority Republicans.

How did it happen? Democrats, perhaps recalling the disasters of 1994, when they failed to unite behind Bill Clinton's agenda in the

face of uniform GOP opposition, came together. Obama's smoother beginning and stronger bonds with congressional leaders also helped.

But even with robust majorities, Democratic leaders deserve great credit for these achievements. Democratic ideologies stretch from the left-wing views of Bernie Sanders in the Senate and Maxine Waters in the House to the conservative approach of Ben Nelson in the Senate and Bobby Bright in the House, with every variation in between. Finding 219 votes for climate-change legislation in the House was nothing short of astonishing; getting all 60 Senate Democrats to support any version of major health-care reform, an equal feat. The White House strategy—applying pressure quietly while letting congressional leaders find ways to build coalitions—was critical.

Certainly, the quality of this legislative output is a matter of debate. In fact, some voters, including many independents, are down on Congress precisely because they don't like the accomplishments, which to them smack of too much government intervention and excessive deficits. But I suspect the broader public regards this Congress as committing sins of omission more than commission. Before the State of the Union, the stimulus was never really sold in terms of its substantive measures; it just looked like money thrown at a problem in the usual pork-barrel way. And many Americans, hunkering down in bad times, may not accept the notion of "countercyclical" economic policies, in which the government spends more just when citizens are cutting back.

Most of the specific new policies—such as energy conservation and protection for public lands—enjoy solid and broad public support. But many voters discount them simply because they were passed or proposed by unpopular lawmakers. In Massachusetts, people who enthusiastically support their state's health-care system were hostile to the very similar plan passed by Congress. Why? Because it was a product of Congress.

Well before Sen.-elect Brown's Bay State upset, it was clear that a sterling legislative record in the first half of the 111th Congress did not guarantee continuing action in 2010 or beyond. And now, Democrats' success at keeping 59 senators in line means little if they cannot find someone on the other side willing to become vote No. 60. With Republicans ebullient over the Massachusetts election, the likelihood is that they will feel vindicated in their "just say no" strategy, Obama's leadership lectures notwithstanding.

If the midterm elections in November turn out to be more like 1994, when Democrats got hammered, than 1982, when Republicans suffered a less costly blow, the GOP will probably be emboldened to double down on its opposition to everything, trying to bring the Obama presidency to its knees on the way to 2012. That would mean real gridlock in the face of a serious crisis. Given the precarious coalitions in our otherwise dysfunctional politics, we could go quickly from one of the most productive Congresses in our lifetimes to the most obstructionist.

And voters would probably like that even less.

EARMARK DECLARATION

HON. ROB BISHOP

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 2010

Mr. BISHOP of Utah. Madam Speaker, consistent with the Republican Leadership's policy