

Washington Square Citizens League

Discussion Forum

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David Kurkowski, moderator

We Have a Dysfunctional Congress. What Can Be Done About It?

The two words “dysfunctional Congress” go together like “Philly cheesesteak.” There’s almost universal agreement across the political spectrum that the first branch is not working like it should. Public opinion polls find that only 15% of people think Congress is doing a good job. Do we chalk the failures of Congress up to polarization, or are there other factors that contribute to inertia under the rotunda?

These readings are by no means exhaustive. Rather, they are intended to spur your thinking about Congress and to come up with your own ideas. I like to imagine the Founders who gathered in Philadelphia to debate the Constitution coming back to see how things turned out 237 years later. I can see them screaming “No! No! That’s not what we intended at all. How could things have gone so wrong?”

Let’s start with the simplest form of analysis: the demographics of the 118th Congress.

The Changing Face of Congress

BY KATHERINE SCHAEFFER, PEW RESEARCH, FEBRUARY 7, 2023

The 118th Congress achieved a variety of demographic milestones when its members took office in January. Generation Z is now represented in the national legislature, while Vermont sent a female lawmaker to Capitol Hill for the first time. Still, Congress remains out of step with the broader U.S. population by several demographic measures.

The 118th Congress is the most racially and ethnically diverse in history. Overall, 133 lawmakers identify as Black, Hispanic, Asian American, American Indian, Alaska Native or multiracial. Together, these lawmakers make up a quarter of Congress, including 28% of the House of Representatives and 12% of the Senate. By comparison, when the 79th Congress took office in 1945, non-White lawmakers represented just 1% of the House and Senate combined.

Despite this growing racial and ethnic diversity, Congress remains less diverse than the nation as a whole. Non-Hispanic White Americans account for 75% of voting members in the new Congress, considerably more than their 59% share of the U.S. population.

The number of women in Congress is at an all-time high. A little more than a century after Republican Jeannette Rankin of Montana became the first woman elected to Congress, there are 153 women in the national legislature, accounting for 28% of all members. (This includes six nonvoting House members who represent the District of Columbia and U.S. territories, four of whom are women.)

A record 128 women are currently serving in the House, making up 29% of the chamber’s membership. That figure includes 22 newly elected congresswomen, including Becca Balint, a Vermont Democrat who became the first woman and first openly LGBTQ person elected to Congress from the state. With Balint’s election, all 50 states have now had female representation in U.S. Congress at some point.

In the Senate, 25 women are currently serving, tying the record number of seats they held in the 116th Congress. The Senate gained just one new female member: Republican Katie Britt, who became the first elected woman senator from Alabama. Just as in the previous Congress, four states – Minnesota, Nevada, New Hampshire and Washington – have all-female Senate delegations.

The share of women in Congress remains far below their share in the country as a whole (28% vs. 51%).

Thirteen voting members of Congress identify as lesbian, gay or bisexual– the highest number in history. This includes two senators and 11 members of the House of Representatives. There have not been any openly transgender members to date.

The number of lawmakers in this group has more than tripled over the last decade. In the 112th Congress of 2011-12, just four members – all representatives – identified as gay or lesbian, and none as bisexual.

The share of Millennials and Gen Xers in Congress has grown slightly in recent years. In the current Congress, 12% of House members, or 52 lawmakers, are Millennials (a generation ranging in age from 27 to 42 in 2023). This share is up from 1% at the start of the 115th Congress in 2017. And 166 members of the House (38%) are part of Generation X – ages 43 to 58 in 2023 – up from 27% in the 115th Congress.

The Senate now has three Millennial members, up from one – the first ever to be elected – in the last Congress. There are 23 Gen X senators, up from 16 in the 115th Congress.

While younger generations have increased their representation in Congress, older generations still account for the largest share of lawmakers across both chambers. Baby Boomers (who are between the ages of 59 and 77 this year) make up 45% of the House’s voting membership, in addition to 66 of the 100 senators.

The share of immigrants in Congress has ticked up but remains well below historical highs. There are 18 foreign-born lawmakers in the 118th Congress, including 17 in the House and one in the Senate: Mazie Hirono, a Hawaii Democrat who was born in Japan.

These lawmakers account for 3% of voting members, slightly higher than the share in other recent Congresses, but below the shares in much earlier Congresses. In the 50th Congress of 1887-89, for example, 8% of members were born abroad. The current share of foreign-born lawmakers in Congress is also far below the foreign-born share of the entire U.S. population, which was 13.6% as of 2021.

Far fewer members of Congress now have personal military experience than in the past. In the current Congress, 97 members have served in the military at some point in their lives – among the lowest numbers since at least World War II, according to Military Times. Since the second half of the 20th century, there has been a dramatic decrease in members of Congress with military experience. Between 1965 and 1975, at least 70% of lawmakers in each legislative chamber had military experience. The share of members with military experience peaked at 75% in 1967 for the House and at 81% in 1975 for the Senate.

While relatively few members of Congress today have military experience, an even smaller share of Americans do. In 2021, about 6% of U.S. adults were veterans, according to the U.S. Census Bureau – down from 18% in 1980, not long after the end of the military draft era.

Nearly all lawmakers in Congress have a college degree. In the 118th Congress, 94% of House members and all but one senator have a bachelor’s degree or more education. The educational attainment of members of Congress far outpaces that of the U.S. adult population. In 2021, around four-in-ten American adults ages 25 and older (38%) had a bachelor’s degree or more education, according to the Census Bureau.

Christians remain the largest religious group in Congress, but their ranks have declined slightly over time. A large majority of current lawmakers in Congress – 469 members – identify as Christian, but

that is the lowest total since 2009, when Pew Research Center began analyzing this trend. There were at least 470 Christian lawmakers in each of the last eight Congresses, and the number exceeded 500 in 1970. Still, Christians' share in Congress is greater than their proportion of the broader American public. Nearly nine-in-ten congressional members (88%) are Christian as of Jan. 3, 2023, compared with 63% of U.S. adults overall.

Millionaire's Club

Source: Wikipedia.

The figures provided by members of Congress offer only an estimation of wealth, as the Congressional financial disclosure rules use value ranges instead of exact amounts. As an upper range is not specified for values over \$50 million (or over \$1 million for a spouse), large assets are not represented accurately. Additionally, government salaries and personal residences are not typically included in disclosures. Furthermore, several members of Congress do not use a standardized electronic format, instead filing reports that range from vague to indecipherable. As of 2020, over half of the members of Congress were millionaires and the median net worth of members was approximately \$1 million.

Even members of Congress acknowledge that they are dysfunctional.

A Congress in Crisis

Analysis by Leigh Ann Caldwell and Theodoric Meyer with research by Tobi Raji, February 7, 2024, Washington Post

Last year was the least productive year in Congress in at least 50 years.

This year is on track to be worse.

It's an election year, which often makes Congress skittish about doing things, like passing bills. And Republican implosions this past week don't bode well for the rest of the year and are leaving many members angry and frustrated.

With Trump almost certainly at the top of the ticket, Republicans are following his cues.

An inexperienced and overwhelmed House speaker, **Mike Johnson** (R-La.), is facing constant rebellion from the right flank of his party, which is threatening to remove him from his job. Plus, Republicans are growing anxious that they will lose the House, in large part because they have nothing to show for their majority.

But that's not all.

Congress is five months into the current fiscal year and has been unable to fund the government for more than a few weeks or months at a time. The next funding deadline is March 1. There is no clear plan on how to fund the government after that. Between now and then, the Senate will leave town for two weeks and the House will be in session for just eight days.

Last year, Congress passed just 29 bills that were signed into law. Many of them were minor. It also raised the debt limit and extended government funding multiple times. As for the House, it censured **Reps. Adam Schiff** (D-Calif.), **Rashida Tlaib** (D-Mich.) and **Jamaal Bowman** (D-N.Y.). It also expelled **Rep. George Santos** (R-N.Y.).

The House did achieve a recent success, passing a bill to restore some of the Trump tax cuts and expand the child tax credit and a low-income housing tax credit. But that package is being slow-walked in the Senate and its eventual passage is uncertain.

The border debacle

There has also been little legislating in the Senate. The days are mostly filled with votes on nominations. But the latest iteration of Congress's deep dysfunction has been on display with the immediate collapse of a bipartisan border security deal. It took four months to come up with a plan — a nearly impossible feat — and less than 48 hours to shelve it.

Republicans had originally demanded changes to border policy. Democrats said they entertained the demands. The result was \$20 billion for the border and the most stringent border security policy changes in decades.

But Republicans walked away. Just three Republicans publicly backed it: the lead negotiator, **Sen. James Lankford** (Okla.); the appropriator who co-wrote the funding portion, **Sen. Susan Collins** (R-Maine); and McConnell.

Because of that, military aid for Ukraine and Israel is in question.

Even some Senate Republicans acknowledge the challenging times and are frustrated with the dynamics of their party, the slim majorities and the election year politics.

“There’s a lot of dysfunction,” **Sen. Kevin Cramer** (R-N.D.) said. “We haven’t done much.”

Further evidence of a branch of government in trouble is seen in the high number of legislators quitting.

High-profile Republicans head for the exits amid House GOP dysfunction

By Melanie Zanona, Annie Grayer and Haley Talbot, CNN, Mon February 19, 2024

House Republicans were shocked by some of the recent high-profile retirements announced by their colleagues, which have included powerful committee chairs and rising stars inside the GOP.

But given the miserable state of affairs inside the House right now, they also weren't exactly surprised.

“They’ve signed up to do serious things. And we’re not doing serious things,” said Rep. Ken Buck of Colorado, a conservative who is retiring after bucking his party on several key issues.

Rep. Don Bacon of Nebraska, a moderate who represents a key swing seat, pointed to his party's struggle to govern as driving the departures.

“When you’re divided in your own conference, the joy of the job is harder,” Bacon told CNN. “When you have folks on your own team with their knives out, it makes it less enjoyable.”

And Rep. Carlos Gimenez of Florida, an ally of deposed former Speaker Kevin McCarthy, said this is not how he or many of his colleagues imagined life in the majority, saying, “I thought that some of our members would be smarter.”

“A lot of us are frustrated with what’s going on, and that’s just being flat-out honest,” he told CNN. “It’s foolish. And it’s been proven to be foolish. The definition of insanity is doing the same thing over and over again and expecting a different result.”

As the 118th Congress has been dominated by deep dysfunction and bitter divisions inside the GOP, a number of Republicans – particularly from the so-called governing wing – are heading for the

exits. So far, 23 GOP lawmakers have decided to not seek reelection or resigned early, including five committee chairs, though some have cited personal reasons or are seeking higher office.

Still, the caliber and timing of some of the retirements has raised alarm bells, particularly those who are giving up coveted committee gavels that some work their whole career to achieve.

Energy and Commerce Chair Cathy McMorris Rodgers of Washington is not even term-limited yet in her plum post, while China select committee Chair Mike Gallagher of Wisconsin, a 39-year-old who was once seen as the future of the party, recently announced he was leaving Congress after facing intense blowback for voting against impeaching Homeland Security Secretary Alejandro Mayorkas.

And on the Energy and Commerce Committee alone – a highly sought-after assignment – there are eight Republicans who are retiring.

“Those are big losses for us,” said Rep. Greg Pence of Indiana, who is among the members on the panel hanging up his voting card. “It is alarming. Especially for the institutional knowledge ... So, that’s a big deal.”

The wave of retirements is rattling some of the Republicans who are choosing to stick around and fueling concern about a potential brain drain as more senior members decide to leave and take their wealth of institutional knowledge with them.

“It’s unfortunate because you think of the brain trust you are losing. I blame a lot of the ‘crazy eights’ led by Gaetz. They want to make this place dysfunctional to try to wear people out,” McCarthy said, speaking to reporters in the Capitol recently. “It’s very sad ... It makes it more difficult for getting people to run in the current climate.”

At times, the GOP infighting has been so nasty it has almost led to physical blows. And lately, Republicans can’t even seem to pass basic procedural votes, known as a rule.

“It is very dysfunctional right now,” said Rep. Brian Fitzpatrick of Pennsylvania, co-chair of the bipartisan Problem Solvers Caucus. “You have tight margins and divided chambers, and you have a Rules Committee that’s been very dysfunctional.”

Added Rep. Steve Womack of Arkansas: “We are fractured. And there is a lot of angst. And so yeah, we are I think chipping away at some of the more institutional people here.”

Meanwhile, there is also some private wariness among Republicans as Trump marches his way toward the GOP presidential nomination and they face pressure to fall in line.

“Some of them say, ‘I don’t want to have to endorse him, I don’t want to have to serve under him,’” one GOP lawmaker told CNN when asked about the retirements. “That’s something else that is weighing in a lot of the private conversations I’m having.”

This article was written before Speaker McCarthy was ousted but illustrates how extremists have taken over the Republican delegation in House. Could McCarthy, who lusted after the Speakership for years, have pursued another strategy?

How to take Congress away from the crazies

By Steven Pearlstein

June 20, 2023 at 6:15 a.m. EDT, Washington Post

Kevin McCarthy has a choice to make.

The Republican House speaker from California can spend the next 18 months groveling before a dozen or so right-wing zealots — indulging their partisan fantasies of “owning the libs,” taking down the president and the Justice Department, and using the threat of government shutdown to impose radical policies on a country that doesn’t want them.

Or, as he did with the bipartisan debt ceiling deal he negotiated with a Democratic president, McCarthy can work with pragmatists and moderates of both parties to get some modest things done in a way that helps the country and improves Republican prospects in the 2024 election.

The glad-handing McCarthy continues to hope against hope that he can somehow avoid this painful choice. But as his two GOP predecessors discovered before leaving in frustration, his majority is too slim, his caucus too divided — and the renegades far too demanding — for that to work. That way lies another failed speakership.

Pragmatists and moderates of both parties have a tough choice to make, too. Say what you will about the members of the right-wing Freedom Caucus — and certainly there is plenty to criticize — there is no denying they are focused and engaged and willing to take heat for the things they really care about. Centrists and pragmatists must learn to be just as determined and muscular.

That’s my beef with the moderates of both parties. They complain about how extremists have pushed their caucuses too far to the left or the right. But faced with opportunities to force things back into the center, they flinch, unwilling to face criticism from caucus colleagues and the partisan hordes on social media.

So here’s the deal, as President Biden would say: If moderates and pragmatists of both parties want to marginalize the extremes once and for all — if they are really serious about governing and bipartisan compromise — then they need to set aside the partisan norms by which the House has always operated, and give the speaker a different way of doing business.

Now, bear with me through a brief romp into the parliamentary weeds.

Speakers control the House through rules — not the impenetrable “Rules of the House” that are adopted at the beginning of each two-year session, but temporary “rules” that allow the House to move immediately to the next piece of legislation, setting how long the debate will be and who can offer which amendments. In recent years, as the House has become increasingly partisan, that debate has been brief and amendments few. The effect has been to shut out members of the minority party — roughly half the House — from participation in the legislative process.

Temporary rules are crafted by the House Rules Committee, most of whose members are beholden to the speaker. And because these rules provide the parliamentary mechanism by which the speaker and the majority party control the legislative agenda, members of the majority party are expected to always vote in favor of rules — whether or not they intend to vote for the underlying bill — while members of the minority are expected to vote no as told by the party brass.

That norm was set aside two weeks ago, when the right-wing zealots voted against the debt ceiling rule and several dozen moderate Democrats voted in favor. Resentful that they had been outmaneuvered, extremists took revenge on the speaker by subsequently voting against the rule by which the House would have moved on to its next order of business.

I think we can all agree it’s crazy to allow the uncompromising extremists in Congress to dictate policy to everyone else. So here’s a deal that Democratic moderates could offer McCarthy to sideline the Republican renegades. On legislation with a serious chance of passage (and these days, there aren’t many), Democrats can provide the necessary votes to pass the “rule” — but only if moderates from both parties can offer a reasonable number of germane amendments. That won’t guarantee bipartisan compromise, but it would become possible.

A similar arrangement in the Senate could restore a modicum of majority rule to that dysfunctional chamber. A gang of 10 Republicans and 10 Democrats is enough to strike a bargain to end filibusters and “holds” on bills and nominations with significant bipartisan support. That would undermine the current practice of the minority party filibustering virtually everything. And it would put an end to showboat senators log-jamming nominations, as Sen. Tommy Tuberville (R-Ala.) has done recently with military promotions and Sen. J.D. Vance (R-Ohio) has threatened to do with Justice Department nominations.

These modest steps, easily within the power of moderates and pragmatists, would neutralize extremists, break through the partisan gridlock and jump-start bipartisan compromise to solve some of the big issues facing the country.

It is easy — too easy — to blame the zealots for hijacking the legislative process. The only reason the hijackers succeed is because party leaders and the quiescent majority of reasonable lawmakers won’t muster the courage and imagination to stop them.

The clearest example of how Trump has taken over the Republican delegation in Congress is the demise of the immigration bill that had been negotiated on a bipartisan basis.

Republicans sink an immigration bill; Biden is left with the political problem

Analysis by Dan Balz, Washington Post, February 10, 2024

No issue illustrates the breakdown of governing and politics better than immigration. A broken immigration system has broken the governing process, aided by the most cynical of politics.

Republicans recently continued what is now a decades-long streak of helping to scuttle bipartisan efforts to fix the immigration system, largely due to hard-right conservative opposition. Their opposition this time came at the request of former president Donald Trump, who again showed that he prefers the political chaos to a policy solution. He was aided by House Republicans, who favored an immigration bill that has no chance of passing in the Senate.

Republicans long have complained the loudest about the problems of illegal immigration and the need for tighter security at the U.S.-Mexico border. But they have repeatedly turned their backs on cross-party efforts to solve that and broader immigration issues, despite years of evidence that neither party alone can solve the problems and resolve competing demands and differences.

The effect of the failure of the Senate package, however, is that while Trump and the Republicans bear the blame for sinking a package negotiated over a period of months by Republicans and Democrats in the Senate, it is President Biden who stands to be the politician who bears the brunt of public anger for the surge in migrants at the border that has taken place during his time in office.

Are term limits, widely supported by the public, the solution to dysfunction? The Heritage Foundation says “yes” but a NYT columnist expresses doubt.

Term Limits: The Only Way to Clean Up Congress

Dan Greenberg, Heritage Foundation, August 10, 1994

The movement to limit political terms is steamrolling through American politics. Voters have approved term limits for Congressmen in each of the fifteen states where referenda have been held, with votes averaging over 66 percent in support, and another four to ten states will permit their citizens to vote on congressional term limits this November. If past elections and current polls are any indication, these

proposals also will pass easily. In addition, eighteen states and hundreds of cities and counties across the country have adopted term limits for state and local officials.

Such substantial public support suggests widespread distaste for careerism in politics, as well as a conviction that continual infusion of fresh blood into the federal legislature will be good for both the Congress and the country. Support for term limits extends to significant majorities of diverse demographic groups: polls show that majorities of men, women, blacks, whites, Republicans, Democrats, and Independents all favor term limits, typically by 60 percent or better.

Term limits are a powerful political force, as demonstrated by the results of numerous state referenda, state legislative outcomes, and candidate election results.

Term limits are a vital political reform that would bring new perspectives to Congress, mandate frequent legislative turnover, and diminish incentives for wasteful election-related federal spending that currently flourish in a careerist congressional culture.

Term limits as enacted on the state level are constitutional as a legitimate exercise of the states' power to regulate their own elections.

Term limits are opposed primarily by elected officials and the special-interest groups that depend on them because the weakness of the case against term limits does not appeal to the public.

Term limits have a promising future on numerous political fronts, such as candidate elections, state referenda, state and federal legislative action, and congressional and presidential politics.

When Americans are polled about their respect for the people in charge of their major institutions, Congress consistently comes out next to the bottom. (Law firms are the only group that the poll identifies as more unpopular than Congress. Louis Harris and Associates, "Confidence in Institutions" poll, 1966-1993.) By substantial majorities, Americans have fixed firmly on term limits as the solution to problems in Congress and will not easily be persuaded to change their minds.

WHY CONGRESS NEEDS TERM LIMITS

Term limits counterbalance incumbent advantages.

Congressional term limits are a necessary corrective to inequalities which inevitably hinder challengers and aid incumbents. Each House Member, for instance, receives nearly a million dollars per year to pay for franked (free) mail, staff salaries, and office and travel expenses. While campaigning, incumbents continue to receive salaries upwards of \$130,000 a year, which typically dwarf the income of challengers (who often must resign from their jobs while running for office).

The turnover rate for House incumbents who attempt reelection typically is below 10 percent. This is in stark contrast to the first century of America's government, when long-term congressional incumbency was rare and Members often voluntarily chose to leave Washington and return home.

Term limits secure Congress's independent judgment.

In one of the few cases where Congress itself has established term limits, service on the House and Senate intelligence Committees is limited on the grounds that long-term membership might cause Members to develop a loyalty to the intelligence bureaucracy that would undermine their ability to exercise critical and independent judgment over it.

Term limits are a reality check.

Term limits also would provide inescapable, bracing reminders of what life in the real world is like. After former Senator George McGovern tried (and failed) to succeed in small business after spending eighteen years in Congress, he observed: "I wish I had known a little more about the problems of the private

sector.... I have to pay taxes, meet a payroll -- I wish I had a better sense of what it took to do that when I was in Washington."

Term limits minimize Members' incentives for reelection-related "pork-barrel" legislation.

As government has grown larger, legislative careerism has become more prominent in Congress. Because long-tenured Congressmen have increasing power over the fate of federal projects due to the seniority system, senior members of both parties now routinely campaign by stressing their ability to bring federal projects to their home districts rather than by explaining their views on the important issues of the day. Term limits, by eliminating incentives for careerism, would curb reelection-oriented federal spending which is targeted to particular districts but contributes little to the general welfare of the country.

Term limits thus provide an escape from the Faustian bargain that voters face: they know that returning an incumbent for another term may help their district, but in the long run it has dire institutional and national consequences. Long-term officeholders, less vulnerable because of a well-honed reelection machine fueled by public resources, come gradually to identify their interests more and more with those of the federal government.

Term limits would restore respect for Congress.

In short, the best way to reinvigorate government is to bring in legislators with fresh outlooks, new ideas, and better incentives. Term limits are the only realistic way to change the culture of legislative careerism in Congress -- a culture that undermines the public interest.

Congressional Term Limits Might Break Congress

By **Jamelle Bouie**, Oct. 7, 2023, NYT

The recent death of the long-serving California senator Dianne Feinstein at age 90 has raised, once again, the issue of congressional term limits.

It's understandable. The median age in the United States Senate is 65, and the median age in the House of Representatives is about 58. The current Congress, the 118th, is the third oldest since 1789, with the second-oldest Senate and the third-oldest House. There are members of Congress, like Senator Chuck Grassley of Iowa, who have held their seats since the 1980s.

It's no wonder, then, that when asked, a large majority of Americans consistently say they want term limits for Congress. Just last month, in fact, Representative Ro Khanna of California announced a political reform bill that would institute 12-year term limits for members of Congress and 18-year term limits for Supreme Court justices.

I think it makes sense to have term limits for the federal judiciary, since these are unelected officials who are intentionally insulated from public opinion. But for a few reasons, I think enthusiasm for congressional term limits is misplaced, even as — like many Americans — I would prefer if Congress were a little younger than it is.

First, term limits violate the basic democratic principle that voters should be allowed to choose their representatives. If the people of a state or district believe that a lawmaker has represented and will continue to represent their interests in the legislature, they should have every right to elect him or her to office for as long as they like.

Second, and related to the first point, is the fact that term limits do not discriminate between effective and ineffective lawmakers. Term limits would, by design, force competent, conscientious and talented legislators out of office, depriving the legislature of their skill for no reason other than a knee-jerk distaste for long-serving lawmakers.

Which leads us to our third point: Term limits reduce congressional capacity and destroy any incentive that might exist for a lawmaker to develop policy or procedural expertise. It's easy to forget at a moment when some of our most prominent lawmakers are little more than influencers, but legislating is real work that demands actual expertise. Any elected official who hopes to do anything serious must build relationships with other members, as well as learn the ins and outs of writing laws. This takes time, the same way that expertise in any profession takes time.

To deprive a legislature of expertise and knowledge is to create a vacuum that will be filled, since the legislature still needs to legislate. In states where term limits exist, the executive bureaucracy tends to wield greater influence over policy than the public's elected representatives. So do lobbyists and interest groups, who simply have more time to build their own expertise. They, rather than lawmakers, become the stewards of institutional knowledge.

Term limits are a good way to create the appearance of change. They are also a good way to weaken a legislature. They are not a good way to solve the problem of political competition, which is what their proponents seem to want most.

If the problem they hope to solve is that of incumbency and a lack of rotation in office, then the solutions should be aimed at making challengers more viable and elections more competitive. This means campaign finance reform, it means an end to partisan gerrymandering, and it might even mean an end to single-member districts and a move to some form of proportional representation.

Those are much harder lifts than limiting the ability of lawmakers to serve their communities. But they have the critical advantage of actually tackling the problem, which is more than you can say for term limits.

This case study reveals why so many bills, even those with majority support, die on the vine.

RURAL Act: Why Popular, Bipartisan Legislation Can Face Hurdles in Congress

Erin Kelly, **Cooperative**, November 25, 2019

Now that the RURAL Act is supported by more than two-thirds of the House and nearly half of the Senate, it may seem like it should be easy for Congress to quickly pass the popular bipartisan bill this year and protect electric cooperatives from the risk of losing their tax-exempt status.

But political scientists say pushing legislation through Congress is much more difficult than most Americans think—even when a bill isn't considered controversial.

The RURAL Act is a simple, one-page bill that would fix a problem created by the 2017 Tax Cuts and Jobs Act. That sweeping bill contained a provision that threatens the tax-exempt status of not-for-profit co-ops anytime they accept a government grant for disaster recovery, broadband service, renewable energy, energy efficiency or other priorities.

The 2017 law counts grants as income, making it hard for some co-ops to avoid going over the 15% limit on non-member revenue that they must maintain to remain tax-exempt. Previously, grants were counted as capital and did not factor into co-ops' revenue ratios.

The RURAL Act would once again exclude grants from counting as co-op income.

Congressional experts from Ohio and Minnesota—the home states of lead RURAL Act Senate sponsors Rob Portman, R-Ohio, and Tina Smith, D-Minn.—talked about why it has become increasingly tough for lawmakers to pass bills:

Why is it so hard for Congress to pass a bill that is overwhelmingly popular and bipartisan?

Co-ops shouldn't feel singled out, experts said. The reality is that Congress passes only a tiny fraction of the bills that its members introduce.

"About 10,000 bills are introduced on average in a session of Congress, and only about 3% to 4% are passed," said Michael Minta, an associate professor of political science at the University of Minnesota. "That's a big barrier right there. If the percentage of bills being passed is that small, there are going to be some really good bipartisan bills that aren't passing."

Congress has also become increasingly polarized, hampering lawmakers' ability to work together across party lines to get things done, said Jack Wright, a professor emeritus at Ohio State University who specializes in American politics.

"The parties began to separate in the 1980s, and the trend really escalated throughout the 1990s," Wright said. "Where there used to be quite a few legislators in the middle—conservative Democrats, for example, or liberal Republicans—that is no longer true. Legislators of both parties are voting the party line with greater regularity, making cross-party coalitions much harder to form."

But there is a bipartisan coalition on the RURAL Act. So why is it taking Congress so long to schedule a vote?

It's common for bills to be considered in several sessions of Congress before they are passed, the political scientists said. The RURAL Act was introduced in April.

"Unless there's a major crisis, like the financial crisis in 2008 where Congress had to act, lawmakers take their time," Minta said. "It's really the way the institution was designed."

The process slows down even more in an election year, Wright said.

"We are just coming into that with the 2020 election," he said. "In the House, Republicans may oppose bills that they would ordinarily support if it means giving the Democrats something they could claim credit for. In the Senate, regular legislation is still subject to the filibuster, which means that a few Democrats can hold things up, even when there is majority support. And on top of all of that, the impeachment inquiry has hardened positions on both sides."

The RURAL Act also may be slowed by the fact that neither the chairman of the House Ways and Means Committee nor the chairman of the Senate Finance Committee are co-sponsoring the bill, Minta said. Those committees have jurisdiction over tax issues.

"It seems like the biggest factor that predicts bill passage is if the chairman of the relevant committee sponsors the bill," he said. "The bill will get a committee hearing and a markup and has a higher likelihood of passing out of the chamber and becoming law. The chairmen are usually in tune with the leadership, which gives their support greater weight."

With an election year rapidly approaching, why aren't lawmakers jumping at the chance to pass a bill that gives them something positive to tout to rural voters in 2020?

It all depends on how much a House member or senator needs the rural vote to win re-election, Minta said.

A House member who represents a heavily rural district is likely to be very responsive. However, a senator who represents a diverse state may prioritize urban or suburban issues over rural ones if he or she gets more votes from those areas.

"They're going to focus on the voters that they believe are most likely to turn out for them," Minta said.

Given all the obstacles, what's the best strategy to pass a bill in this Congress?

The RURAL Act's lead sponsors say their strategy is to attach the bill to a bigger piece of legislation that Congress feels compelled to pass, such as a spending bill to keep the government open or legislation to extend expiring tax breaks.

That strategy is probably the best way to go, the experts said.

"We've seen a trend over the past several Congresses where fewer bills are passed overall, but those that are passed are much larger," Wright said. "In short, there are more omnibus bills—various things packaged together—as a way of making trade-offs and deals because of the ideological impasse."

There are many rules and customs in Congress that can potentially stand in the way of a bill becoming a law. The Tuberville example illustrates how a "hold" can bring the legislative process to a halt.

Here's How Sen. Tommy Tuberville Held Up An Entire Nomination Process

Molly Bohannon, Forbes Staff, Jul 13, 2023

As Sen. Tommy Tuberville (R-Ala.) makes headlines for holding up yet another Senate nomination—this time for the replacement of the Marine Corps. leader—many are left wondering how just one senator's protest can have such influence over the governmental process.

Tuberville is utilizing a senatorial hold—an informal practice in which a senator informs leadership that they don't want a particular measure or nomination to reach the floor for consideration—to prevent about 250 other military promotions and nominations, including Gen. Eric Smith's nomination to lead the Marine Corps. from moving forward.

Holds in the Senate first came about as a method senators could use to convey scheduling or policy preferences to leadership, according to the Congressional Research Service, but over time they've become like "silent filibusters."

Holds are only applicable to Senate business with a unanimous consent requirement, but much of Senate business is conducted by unanimous consent, especially routine procedures like selecting a date to debate on the floor or approving a nomination.

A hold cannot completely block a nomination, but it forces Majority Leader Chuck Schumer (D-N.Y.) to follow formal processes on the Senate floor that often move much slower than a decision made by unanimous consent, and because of the current hold ups many routine processes would take months to complete because of the number of blocked nominations.

Senate holds are an informal practice, meaning the Senate majority leader could choose to bring a matter with a hold to the floor, though that's uncommon. A senator whose hold is not honored has a myriad of resources they could employ to cause gridlock, according to an article from the Congressional Review Service.

Discharge petitions are rarely used but offer a way to move a bill along.

Republican lawmaker readies discharge petition on Ukraine aid

By Justin Tasolides and David Mendez Washington, DC, Feb. 29, 2024, Spectrum News

Pennsylvania Rep. Brian Fitzpatrick, a House Republican lawmaker in favor of Ukraine aid, told reporters on Thursday he was preparing an effort to circumvent House Speaker Mike Johnson and force a vote on aid to Ukraine.

What You Need To Know

- Republican Rep. Brian Fitzpatrick told reporters he was readying a discharge petition to force a vote on Ukraine aid
- The Senate earlier this month passed a \$95 billion bill to provide funding to Ukraine, as well as Israel and Taiwan, but the measure has stalled in the Republican-led House amid opposition from House Speaker Mike Johnson and the GOP

The procedural motion, known as a discharge petition, allows a vote on any legislation, regardless of the input of House leadership, if it gets 218 signatures, representing a majority of the chamber. After New York Rep. Tom Suozzi was sworn in on Wednesday night, Democrats have 213 members in the House, meaning Fitzpatrick would need the support of four of his fellow Republicans to put it over the top.

Discharge petitions take time to execute, delaying the process of getting aid to Ukraine even further, but the possibility of such a move could force the hand of House leadership.

“We have to get something done,” Fitzpatrick, who co-chairs the bipartisan Problem Solvers Caucus and the Congressional Ukraine Caucus, told reporters on Thursday.

Filibusters allow a single Senator to block a bill that a majority may support. Bringing about cloture to debate generally requires a three-fifths majority vote. It’s possible for the Senate to change this to a simple majority vote.

The Filibuster Explained

Brennan Center for Justice, April 26, 2021

Traditionally, the Senate filibuster was reserved for only the most controversial issues, but its use has escalated in recent years, often slowing business in the chamber to a halt. Some lawmakers acknowledge that the filibuster, which has effectively set a 60-vote supermajority requirement for passing legislation in the Senate, could doom many of the proposals they have championed, including meaningful reforms on issues ranging from health care to climate change to gun control. Behind this dysfunction, the filibuster also has a troubling legacy: it has often been used to block civil rights legislation intended to combat racial discrimination.

As advocates push for pro-democracy legislation, calls for eliminating the filibuster have grown louder. In his remarks at the funeral of civil rights hero and congressman John Lewis in July 2020, former President Barack Obama called the filibuster a “**Jim Crow relic**,” arguing that the procedure should be eliminated if it is used to block voting reforms. Others note that certain types of legislation are already exempt from the filibuster’s supermajority requirement and argue that a similar exemption should be made for voting rights.

The stakes were raised in March 2021, when the **For the People Act** — a comprehensive democracy reform bill — was passed by the House of Representatives and introduced in the Senate, where the filibuster may determine its fate. Whether through elimination or reform, the filibuster cannot be allowed to impede the expansion of American democracy or the rights of all eligible voters.

What is a filibuster?

In the Senate, a filibuster is an attempt to delay or block a vote on a piece of legislation or a confirmation. To understand the filibuster, it’s necessary first to consider how the Senate passes a bill. When a senator or a group of senators introduces a new bill, it goes to the appropriate committee for discussion, hearings,

and amendments. If a majority of that committee votes in favor, the bill moves to the Senate floor for debate.

Once a bill gets to a vote on the Senate floor, it requires a simple majority of 51 votes to pass after debate has ended. But there's a catch: before it can get to a vote, it actually takes 60 votes to cut off debate, which is why a 60-vote supermajority is now considered the de facto minimum for passing legislation in the Senate.

What's the history of the filibuster and its supermajority requirement?

Under original Senate rules, cutting off debate required a motion that passed with a simple majority. But in 1806, after Vice President Aaron Burr argued that the rule was redundant, the Senate stopped using the motion.

This change inadvertently gave senators the right to unlimited debate, meaning that they could indefinitely delay a bill without supermajority support from ever getting to a vote. This tactic is what we now know as a filibuster.

In 1917, the Senate passed **Rule XXII**, or the cloture rule, which made it possible to break a filibuster with a two-thirds majority. In 1975, the Senate reduced the requirement to 60 votes, which has effectively become the minimum needed to pass a law.

There are, however, exceptions to the filibuster rule. Perhaps the most notable recent example pertains to presidential appointments. In 2013, Democrats changed the Senate rules to enable the confirmation of executive branch positions — including the cabinet — and of non-Supreme Court judicial nominees with a simple majority. Four years later, Senate Republicans expanded the change to include Supreme Court appointments. Both changes invoked what is known as the nuclear option, or an override of a rule to **overcome obstruction** by the minority.

At times, the Senate has also **exempted certain types of legislation** from the cloture rule. For example, Congress's annual budget reconciliation process requires only a simple majority vote and cannot be filibustered. Likewise, trade agreements that are negotiated using fast-track rules cannot be filibustered. Other exemptions apply to measures that involve, for example, military base closures or arms sales. In total, 161 exceptions to the filibuster's supermajority requirement have been created between 1969 and 2014, according to an **analysis** by the Brookings Institution's Molly Reynolds.

What's the difference between "talking" and "silent" filibusters?

Filibusters traditionally involved long speeches in which a senator attempted to block a vote from proceeding by refusing to yield the floor. To stage such a "talking" filibuster, a senator would hold the floor by standing and talking for as long as they could, sometimes overnight. This was popularized in the 1939 film *Mr. Smith Goes to Washington*. The **longest filibuster** ever recorded, by South Carolina Sen. Strom Thurmond in opposition to the Civil Rights Act of 1957, lasted for more than 24 hours.

But since the early 1970s, senators have been able to use a "silent" filibuster. Anytime a group of 41 or more senators simply threatens a filibuster, the Senate majority leader can refuse to call a vote.

How has the filibuster been used to block civil rights progress?

Critics of the filibuster have pointed to its racist history — including its early uses in the 19th century by pro-slavery senators including John C. Calhoun of South Carolina, who used it to **protect the interests** of Southern white landowners who depended on slave labor.

The enactment of Rule XXII in 1917 gave rise to the modern filibuster, which has also been used to block civil rights legislation, especially during the Jim Crow era. In fact, this was one of the primary uses of the filibuster during the 20th century. According to a study conducted by political scientists Sarah Binder and Steven Smith, of the 30 measures that were derailed by the filibuster between 1917 and 1994, **exactly half**

of them involved civil rights. Filibusters blocked measures such as anti-lynching bills proposed in **1922** and **1935**; the Civil Rights Act of 1957; and legislation that would have prohibited poll taxes and outlawed discrimination in employment, housing, and voting.

How has the filibuster changed over time?

The use of the filibuster, once reserved for only the most controversial issues, has **increased dramatically** in recent years alongside growing polarization in Washington. There have been more than 2,000 filibusters since 1917; **about half** have been in just the last 12 years. Critics argue that this increased use has slowed business in the Senate to a halt, often entangling the chamber in procedural maneuvering instead of substantive debate and, ultimately, lawmaking.

What has been the impact of increasing filibuster use?

The ongoing deadlock on certain issues has led to the use of the **budget reconciliation rules** to bypass the chamber's procedural hurdles. Designed to expedite Congress's budget process, reconciliation bills can pass with only 51 votes, compared to the de facto 60-vote requirement imposed by the filibuster. However, the budget reconciliation process is limited in scope, and analysts argue that it was **not designed** to handle the sweeping scale of legislation that marks its current use.

Critics of the modern filibuster have argued that the maneuver undermines the Senate as a governing body and its reputation as a consensus-building chamber. The mere threat of a filibuster silences debate and removes incentives to work toward compromise.

Overuse of the filibuster magnifies problems of representation endemic to the Senate, where small and large states alike are each represented by two senators. However, the population disparity between the largest and smallest states has increased significantly since the founding. Today, the 26 least populous states are home to just **17 percent** of the U.S population. This means that a group of senators representing a small minority of the country **can use the filibuster** to prevent the passage of bills with broad public support.

Filibuster abuse also threatens checks and balances between the branches of government. The relative stagnancy of Congress — which is in large part due to the filibuster — has pushed presidents to increase their use of executive power, which in turn often goes unchecked because of Congress's inability to act.

Some legal scholars argue that the filibuster may not even be constitutional, citing Article I, Section 5, which states that “a majority of each House shall constitute a quorum to do business.”

What options are available for filibuster reform?

As Senate gridlock persists, calls for eliminating the filibuster altogether have grown louder, especially given its historical complicity in perpetuating Jim Crow laws and thwarting civil rights legislation and voting reforms. Changing the Senate rules — particularly, **Rule XXII** — would be the most straightforward way to eliminate the filibuster, although such a change would require a two-thirds supermajority. The nuclear option is another way to eliminate the filibuster. Under this method, the Senate majority leader would use a nondebatable motion to bring a bill for a vote and then raise a point of order that cloture can be invoked with a simple majority.

Some advocates argue that voting rights legislation warrants an exemption from the filibuster, even if the procedure is not eliminated altogether. Stacey Abrams, the voting rights champion and former minority leader in the Georgia House of Representatives, has called on senators to **lift the filibuster for election reform legislation** such as the For the People Act. “Protection of democracy is so fundamental that it should be exempt from the filibuster rules,” she said, noting that the filibuster has already been suspended for judicial and cabinet appointments, among other measures.

Why the Senate filibuster is hanging by a thread, again, in 2024

By Jason Willick, Washington Post, March 10, 2024

In the last presidential election, the Senate filibuster was a political flash point. Democrats were dreaming about what they could achieve after winning the White House and eliminating the 60-vote Senate requirement for significant legislation. Republicans warned of the radical institutional changes, such as court-packing, that could be implemented without that check on partisan majorities.

Today the filibuster has faded from public discussion. After all, the focus of policy gridlock has shifted to the House of Representatives (where absolute majorities already rule) and both parties are focused on dragging their unpopular presidential candidates over the finish line, rather than planning for thumping victories.

But the 2024 election could still decide the filibuster's fate — and with it, the tempo of partisan warfare in the coming decades. Though neither party is advertising its intention to break the legislative filibuster, either one could try if it sweeps Congress and the White House. The Senate's fraying check on majorities deserves to be a subject of debate as much as it was in 2020.

The next Congress will be a very different place. Mitch McConnell (R-Ky.), the man who brushed off Donald Trump's presidential entreaties to break the filibuster, announced last month that he will step down as GOP leader after 17 years. Sen. Kyrsten Sinema (I-Ariz.), who barely prevented Democrats from breaking the filibuster during the Biden administration, announced her retirement last week. That's on top of the departures of Sens. Mitt Romney (R-Utah) and Joe Manchin III (D-W.Va.), pillars of centrism in their parties.

If not for Sinema's steadfastness, in particular, the minority party might already be fully boxed out of Senate governance. When Democrats took only 50 Senate seats in 2021, it looked for a moment like their filibuster-smashing ambitions might be tempered. Not for long: In 2022, Senate Majority Leader Charles E. Schumer (D-N.Y.) launched a major push to force sweeping changes to state voting laws on a party-line vote. That would have required changing Senate rules — the “nuclear option” — to overcome a GOP filibuster.

Sinema resisted, dooming the effort. In a landmark speech on the Senate floor, she called the filibuster a “guardrail” in American politics. “When one party need only negotiate with itself,” she said, “policy will inextricably be pushed from the middle towards the extremes.” That speech, among other heresies, appears to have ended Sinema's political career — blocking her path to reelection in Arizona in 2024 even as she changed her political affiliation to independent.

McConnell's role as a filibuster guardian is different from Sinema's. Instead of an apostate, he is a partisan warrior. He was at the center of the partisan escalation that saw Democrats, led by then-Majority Leader Harry M. Reid (Nev.), break the filibuster for lower-court judicial nominees in 2013, and Republicans do the same for Supreme Court justices in 2017. But McConnell's escalations were carefully controlled and never extended to the legislative filibuster, on which he rebuffed Trump repeatedly while the GOP controlled both houses. “It does, I think, generate on many occasions kind of a bipartisan solution, and I don't think that's always bad for the country,” he told Politico in 2018.

The next generation of Republican senators, who never knew a Senate before the filibuster started to erode, might not be as restrained. Trump's argument is that if the GOP doesn't eliminate the filibuster, Democrats will do it as soon as they get the chance, attaining a first-mover advantage. That argument will be a whole lot harder to rebut in a second Trump term after Democrats came so close to going nuclear in 2022 with the narrowest possible majority.

It may be that Sinema was just the tip of the iceberg of Democratic opposition to Schumer's 2022 gambit and that institutional reluctance to change Senate rules is deeper than it appears. Perhaps it would be

another Democratic senator, such as Chris Coons (Del.) or Jon Tester (Mont.), who would fall on his sword in a second Biden term and disappoint the party base. And there are enough moderate senators on the GOP side, such as Susan Collins (Maine) and Todd Young (Ind.), that it would probably require a large Republican Senate margin for the party to go nuclear at Trump's behest.

There could be something about the Senate's size, structure and its members' longer terms and special prerogatives that make the institution inherently resist becoming a purely majoritarian body like the House. But given recent history, there is no guarantee. Whoever is president in 2025 could also enjoy partisan majorities in Congress (though 50 Senate seats might be the Democrats' best case). The upper chamber will have fewer members resistant to procedural escalation than before.

That means party-line solutions on issues such as abortion, immigration, elections and courts will look more attractive in the coming years. Divided government can be dysfunctional, but the alternative might increasingly be a cycle of partisan excess. Voters in 2024 will need to weigh which is worse.

Finally, let's consider an "outside the box" suggestion: increasing the size of Congress. The writer devoted an extensive series on the rationale for a large House as a solution for dysfunction. What do think of her argument? She even commissioned an architect to address the question of how to fit all the bodies in the Capital.

The House was supposed to grow with population. It didn't. Let's fix that.

By [Danielle Allen](#), Washington Post, February 28, 2023

What if we increased the size of the House?

Given that most of us are pretty frustrated with Congress, this might sound crazy. But growing the House of Representatives is the key to unlocking our present paralysis and leaning into some serious democracy renovation.

As originally conceived, the House was supposed to grow with every decennial census. George Washington spoke just once at the Constitutional Convention — and on its final day — to endorse an amendment lowering the ratio of constituents to members to 30,000. The expectation was that good, responsive representation required allowing representatives to meaningfully know their constituents, constituents to know and reach their representatives, and Congress to get its business done.

Today, House members represent roughly 762,000 people each. That number is on track to reach 1 million by mid-century.

The number has gotten so high because the 1929 Permanent Apportionment Act has as a de facto matter capped the size of the House. The bill set the decennial reapportionment of the House on autopilot. It assigned the Census Bureau the job of reporting a new 435-seat apportionment plan for the House to the president following each decennial census. The president in turn simply reports the new apportionment to Congress. Congress can change this number if it wants to, but it has not wanted to for nearly a century now.

As a result, we are the only Organization for Economic Cooperation and Development democracy that hasn't continuously adjusted the size of its legislative assembly over the past century. It also gives us the highest representation ratio of any OECD country by a long measure. Both the German

Bundestag and the British Parliament are larger than our House of Representatives, even though their populations are roughly one-quarter or one-fifth of ours.

Why, exactly, was the House supposed to grow?

The Federalist Papers, a set of essays written to advocate for the new Constitution, explain its features via a set of key design principles: “energy,” “republican safety,” “due dependence on the people” and a need to fuse the principle of popular sovereignty with a union of states. A growing House of Representatives was meant to advance all these principles.

The goal of “energy” meant the government needed to be able to get things done. But citizens also needed to be protected in their liberties despite the energies of the government. That’s the ideal of “republican safety.” The principle of “due dependence on the people” meant officeholders should take their cues from voters, not donors, special interests or party activists. The principle of popular sovereignty pointed toward a governmental frame that would flex and adjust with the ever-changing shape of the people. The principle of an association of states was meant to provide a stable foundation for the whole enterprise.

The House was supposed to provide the necessary elasticity, turning over every two years and continuously growing; the Senate was to be a steady rudder, with only a third of its members potentially rotating out in any election cycle.

This starter set of design principles for constitutional democracy was expanded, with the post-Civil War amendments and civil-rights-era legislation and jurisprudence, to include equal protection and universal inclusion.

Taken as a full set, these principles — the originals plus the 19th- and 20th-century additions — are a good starting point for designing the institutions of self-government for free and equal citizens. And a bigger House is the renovation we need now to achieve alignment with all of them.

Why this one renovation above all others? Four reasons:

For starters, with today’s high ratio of residents to lawmakers, representatives are too removed from their constituents. Constituent services are strained. Smaller districts would mean better responsiveness, which would align with the principle of popular sovereignty.

Relatedly, Congress has a much larger budget to track and manage, and many more agencies to review, than it did a century ago. More House members would make for more effective legislative oversight of the executive branch. That aligns with the principle of republican safety.

Third, the smaller the district, the less expensive the campaign, and the less politicians will be dependent on donors, instead of the people, as the principle of due dependence requires.

Fourth, a bigger House with smaller districts would enhance equal protection and inclusivity. More seats would mean more shots; smaller districts would give candidates from minority groups and nontraditional backgrounds a more feasible path to electoral victory.

But what about the issue of energy? Wouldn’t a bigger House make it harder to get things done? Here, the most important point is that the principle of inclusion requires us to learn how to operate on a larger scale than we have in the past.

Let’s spend a bit of time on this one.

Over the past five years, I’ve chaired three large task forces, including one on civic education, as well as the American Academy of Arts and Sciences’ commission on the future of democracy that motivates these columns. Each had a minimum of three co-chairs. We used this triumvirate

structure to get a diversity of perspective into the leadership. We also built bigger task forces than in a past era, again to optimize for inclusion of the full range of relevant viewpoints. We operated a committee of 40 where the number would have been set at 20 in another era.

As we shifted to these scaled-up forms of operation, we introduced new tools. They included digital discovery tools such as instant polls and word clouds to bring a range of viewpoints to the surface, breakout groups and structured deliberations to make progress on specific questions, and rapid prioritization exercises with sticky notes on wall boards.

These are small examples, but the point is that a host of new practices and tools are being developed as people learn how to carry out the work of deliberation in larger and more diverse committees. In 1929, people might have thought it wasn't possible to do good work with an assembly of more than 435 people. But now, nearly 100 years later, much more is possible.

Yes, a bigger House would have to be an innovative House. But energy could be achieved, even with significant growth.

In contrast, our current cap of 435 means our national legislature no longer adjusts and shifts in meaningful ways with population changes. Lack of proximity to representatives leaves constituents in an information vacuum about officeholders, easily filled by polarizing national narratives and misinformation. The ever-growing size of districts reinforces the power of incumbency and money. We have rigidified ourselves to a breaking point.

This year, two representatives have filed bills to enlarge the House. Rep. Earl Blumenauer (D-Ore.) has filed the Restoring Equal and Accountable Legislators in the House Act. And Rep. Sean Casten (D-Ill.) has filed the Equal Voices Act. Let's take their proposals seriously.

We need the dynamism, flexibility and elasticity. By fixing the House, we can break gridlock — and then we can start to fix other things. Bigger is better.

Some people feel that our system of winner-take-all, single-member districts inherently leads to under-representation of minorities. The Fair Representation Act, introduced in 2021, died in the Judiciary Committee in 2022. Do see any merit in this act?

The Fair Representation Act

Source: FairVote

The Fair Representation Act (HR 3863) is the bold, comprehensive solution that solves the problems of partisan gerrymandering and uncompetitive elections for U.S. House. It combines three main components:

1. Establishes multi-member districts for congressional elections
2. Institutes ranked choice voting in these elections
3. Creates new requirements for congressional redistricting

Our traditional, winner-take all politics polarizes legislative bodies, making it difficult to pass legislation the majority of the public supports. It also makes it more difficult to diversify legislative bodies and ensure all people are represented in government.

The Fair Representation Act has the power to transform our political system and create a more inclusive and deliberative government which respects and empowers all voices.

The U.S. House is most in need of the Fair Representation Act because of its high levels of partisan division. This reform will incentivize good governance, comity, consensus and compromise for the greater good — ideals upon which our nation was founded.

Every elected leader should be free to govern with the knowledge that they will be rewarded at the ballot box for responding to our nation’s most pressing challenges and effecting change. The Fair Representation Act will apply this reform to all elections to the U.S. House, aka The People’s House, and improve its legislative function — and our democracy.

Ensures representation for all Americans: The Fair Representation Act creates more opportunities for Americans across the political spectrum to be represented in government, no matter their zip code. This means greater inclusion for people of color, urban Republicans, rural Democrats, Independent and third-party voters, major party bases and other voters across the political spectrum. With the Fair Representation Act, far more Americans will be represented by an elected official who is incentivized to make decisions that reflect the will of all of their constituents.

Reduces polarization: Under the Fair Representation Act, our Congress would look much different than it does today. Rather than lawmakers lumped into warring camps of “red” and “blue,” with disproportionate representation at both political extremes, our Congress would reflect our country’s actual ideological composition. We would elect more Democrats who oppose abortion rights, for example, as well as more Republicans who support gun safety and more political Independents — and all would work within various coalitions to pass meaningful legislation.

Ends gerrymandering: The Fair Representation Act effectively eliminates gerrymandering, both intentional and unintentional. Multi-member districts with ranked choice voting allow most voters to elect candidates they support, which means an area’s political left, right and center earn their fair share of representation in Congress.

For example, Republicans typically earn 30% to 40% of the vote in Massachusetts elections, yet all nine of the state’s U.S. House members are Democrats. No independent commission could possibly draw district lines to allow Republicans to elect even a single member of Congress. The Fair Representation Act would solve that problem.

Additionally, partisan legislators sometimes gerrymander district maps to dilute the voting power of communities of color. With multi-winner districts, any group of voters whose size exceeds the election threshold (typically 17% to 25% depending on the district’s size) has the power to elect a representative of their choice. Voters of color would have the power to elect candidates of their choice simply by ending the power of gerrymandering.

Promotes good governance: Our representatives are trapped in a winner-take-all political system, where efforts to reach across the aisle often end their political career.

The Fair Representation Act ensures that incumbents are held accountable not only for their views or how well they battle opponents, but how effectively they govern. This system would free lawmakers from binary political factions and enable them to better negotiate with colleagues and address problems.