



## Why Constant Education of Congress is Necessary\*

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Congress elects a cross-section of the American population, most of whom have a more extensive educational background than the general population. Many, but not all, have had experience working in both the private and public sectors of our economy, and some have been elected to other political offices. Few have actually run a business, and while Members' understanding of basic economics has not been measured, it is doubtful that it exceeds the low level of understanding of the general American population.<sup>1</sup>

New Members are elected in November, sworn into office 60 or so days later, and immediately have the right and the responsibility to vote on matters of great public interest, whatever their individual backgrounds might be. In addition, they are afforded the opportunity to have a direct hand in making laws or repealing laws that already exist. They collectively determine how much money the government may spend, whether to engage in trade or war with foreign nations, how the expenses of the government shall be met, including borrowing or raising by taxes or fees trillions of dollars, and other significant public matters. No training of any substance is required or offered them, although they are given the chance to voluntarily attend very short cram courses in how the Houses of Congress operate.

Most will have uprooted their families and moved them to a new metropolitan area, although many will leave the family in the district or state and return on a regular basis to their home state. Either way, there will be a major change in their personal living environment, whether the Member is single or married or otherwise engaged with a partner. They will have a personal staff to hire and fire, perhaps for the first time. They will get some anonymity that they have not had back home, and will be surrounded at all times by various people with various interests in them and what they do.

What they will discover when they look at their desk is a stack of bills introduced by other Members that during the course of the 1<sup>st</sup> session of the most recent Congress totaled 4,264,363 words.<sup>2</sup> The number of subjects covered can only be imagined without spending more research time that would be useful.

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\*The information contained in this newsletter does not constitute legal advice. This newsletter is intended for educational and informational purposes only.

<sup>1</sup>“Most adults and students have not mastered basic economics concepts.” “What American Teens & Adults Know About Economics,” National Council on Economic Education (Dana Markow, Kelly Bagnaschi), April 26, 2006. For example, over 80% of adults fail to answer correctly questions related to government and trade in economics.

<sup>2</sup>“*Vital Statistics on Congress*”, Brookings and AEI, 2014.

In addition, of course, they will be asked by constituents and others to introduce legislation and to do their best to move it through the legislative labyrinth. That passage is crowded. Well over 6,000 bills and resolutions were introduced in the 113<sup>th</sup> Congress, one that has a reputation of passing very few laws.<sup>3</sup> If the bill gains any momentum, as its sponsor, the Member will be expected to become something of an expert, not only on the specifics of that bill but on the ancillary issues created by the possible passage of the bill.

After a few years in office, the legislative aspect of the job becomes less daunting, at least until the Member reaches a position of importance (say Chair of a subcommittee) at which point the complications are increased. Chairs of subcommittees and committees truly should master the subject matter of bills that are before them, since Members of their party are relying upon that.

Most don't become chairs of committees, however. In fact, most Members of Congress don't stay in those jobs for an extensive period of time — Representatives for about 9 years and Senators for about 10 years. Those are average periods in office and a number of Members in both the House and the Senate stay much longer, thereby lengthening the averages.

For example, the American Banker recently reported that only 31 of the original 60 senators that voted for the Dodd-Frank Act in 2010 are still in the Senate, and only 130 of the 237 that voted for it in the House of Representatives are still in the House.<sup>4</sup> That was only four years ago, or two terms of a Member of the House.

The clear message that emanates from this background — educating Members of Congress on issues must be a constant thing.

For those most intimately concerned about an idea — say the U.S. passage of legislation that would permit us to sign the Law of the Sea treaty, or modification of what now seems apparent to be serious mistakes in the Dodd-Frank Act — there is a deeply rooted belief that everyone knows the issues and why they exist. For Members who were intimately involved in the debates about those issues the last time they were held, that is probably true. They will simply need to be reminded and to be updated on how the passage of time has changed any of the reasoning that might have been relevant previously. While the Member's personal political position may have changed, and therefore his or her position on the same legislation may have changed, the issues remain much the same and the education challenge is manageable.

For those who were indifferent to those issues before, or even more directly, were not in Congress when they were last debated, the issues are totally foreign. That requires education that starts at Step One, not later in the syllogism. That requires a sometimes tedious refresher course and a careful review that manages in the end to keep the elucidation of the issue fresh and interesting. For those who have been arguing the issue for a decade, that is difficult. But it is absolutely necessary.<sup>5</sup>

Members of Congress must rely upon staff to educate themselves. But for the new Member, staff often is as ignorant of these issues as the Member. While some staff makes a career of staying on the Hill, a career that is not the easiest thing to accomplish, many lose their jobs when their bosses lose theirs. And even if they carry over to the new Member office, the chances are that staff has focused previously on a narrow slice of legislation.

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<sup>3</sup>The 113<sup>th</sup> Congress passed 297 laws, the second least since the Congress elected immediately after World War II.

<sup>4</sup>"Why the Dodd-Frank Act Is Newly Vulnerable," American Banker, January 6, 2015.

<sup>5</sup>Having said countless times before that the U.S. has aligned itself with North Korea, Iran, Libya and Venezuela in not ratifying the treaty, and against all of the major industrialized nations, it's hard to make that fresh in the retelling.

Many new Members like to bring with them trusted aides from back home. Those aides will be instrumental in reelecting the boss, since they usually know politics back home, but they won't be of much help initially in explaining, for example, why the rules describing which entities are a systemic risk to the economy need to be modified, or why the requirement for living wills in DFA may in fact be creating more problems than it is solving. Most likely, they do not realize that China and other nations are already exploiting the minerals on the seabed under protection of the international community, while the U.S. cannot do so. They are a blank sheet of paper upon which volumes must be written in a very short period of time. Staff, therefore, can only be of modest help initially to the new Members.

This is our system, however, and we must live with it. Those who assume knowledge on the part of Congress on a particular issue, just because the issue involved has been previously debated, fail to grasp the basic requirement of educating and reeducating the Members. Constant education and reeducation is mandatory.

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