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The Congressional Budget
Process: Impact on the Senate

by

Lance T. LeLoup

THE CONGRESSIONAL BUDGET PROCESS:
IMPACT ON THE SENATE

by
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The Congressional Budget Process: Impact on the Senate

The House of Representatives fills an extremely important role under our constitutional system. But if there was one stroke of genius - and there was more - that came from the minds of those constitutional forebears, it was the Senate, because it is here where men will stand against the storms of political frenzy and in many instances throw the light of public scrutiny upon legislation which would otherwise be detrimental to the Republic. I do not want to see the Senate become a second House of Representatives. 1

-Senate Minority Leader, Robert Byrd,
June 24, 1981

It was during the great reconciliation battle of 1981 and on the House side of Capitol Hill the storms of political frenzy were raging. The Republican-conservative alliance was in the process of upending the Democratic majority amidst name-calling and bad feelings on both sides. Both the House and Senate were trying to agree on cuts of over \$35 billion to existing programs and many sacred cows were being sacrificed. But there was less turbulence in the Senate. Reflecting their cherished traditions the Senate attempted to demonstrate - in Senator Byrd's words - that they were not like "the other body."

The Budget and Impoundment Control Act of 1974 changed the way in which the U.S. Congress deals with the fiscal affairs of the nation. In attempting to assess the impact of the congressional budget process on the Senate, one must consider issues concerning the Senate and Congress as legislative institutions and the many kinds of effects the budget process has had in terms of legislative procedures, political power, and national policy. What are

the changes? What difference do they make? Is the House really different than the Senate? What is there about the Senate in the 1980s that helps us understand the impact of the budget process and what is there about the budget process that helps us understand the Senate of the 1980s?

As assessment must begin with at least a brief look at the modern Senate and recent transitions. The role of the Senate in the formulation of the Budget and Impoundment Control Act of 1974 and the provisions of that law should be examined. We will focus particularly on the Senate Budget Committee, designed to implement and enforce the budget process in the Senate. Because of the importance of 1981 with Republican control of the Senate and the use of the reconciliation process, we will compare the record of budgeting in the Senate from 1975-1980 with the later period. Finally, we will attempt to draw some general conclusions about the impact of budget reform in the Senate.

TRANSITIONS IN THE SENATE

The Senate of the 1950s was the Citadel,² the Inner Club, the Senate Establishment.³ It was a legislative body with a strong set of norms of behavior or "folkways."⁴ But the Senate was changing. By the 1960s, Randall B. Ripley characterized power in the Senate as shifting from decentralized to individualistic.⁵ By the 1970s, other changes had been observed. The Senate had larger Democratic majorities and had become more liberal.⁶ While committees in the Senate have not tended to be as strong or as important as in the House, they form an important part of the individualistic power structure. Under the Johnson rule, every Senator was guaranteed a major committee assignment and many chairmanships were assumed by members with less seniority than in the past. Assessing the power structure of the Senate in the 1970s, Norman Ornstein et al concluded that power

was more individualistic and evenly distributed than before: "The Senate is a more open and fluid and decentralized body now than it was in the 1950s. Power, resources, and decision-making authority have become more diffuse."⁷

By the 1980s, the Senate had evolved again, with the change in the ideological makeup - the defeat of prominent liberals and the election of a Republican majority for the first time in a quarter century - being the most significant change. But even the 97th Senate was recognizable to the handful of Senators who had served in the 87th Senate, twenty years before. It is still a legislative body that respects deliberation, unlimited debate, independence, and does not look for strong centralized leadership. Although, as we noted, committees are not as dominant in the Senate, they are still the most important work groups. Values of committee autonomy and prestige are still respected. In the Senate of the 1980s, even with a conservative, Republican majority, structures and processes tend to serve member needs and a decentralized, individualistic power structure.

BUDGET REFORM IN THE SENATE

The centralizing budget process implemented after the Budget and Impoundment Control Act of 1974 would at first glance appear to be at odds with the traditional norms of the Senate. However, this is actually less so in reality than on paper. From the original appointment of the Joint Committee on Budget Control in 1972, Senators were careful to mind traditional interests and values. Countervailing these conserving tendencies were the demands for reform: greater control of the budget as a whole (as opposed to traditional concern with only budget parts) to halt the spiral of spending growth.

The Joint Study Committee issued their report in April of 1973 and made a number of specific recommendations for restructuring the congressional budget process.⁸ The Senate Government Operations Committee began work on the legislation about this time. Unlike the Joint Study Committee or the House Rules Committee which had drafted the House version of the bill, the Senate committee reflected the interests of the authorizing committees. Senators declined to follow the House lead in specifying a quota of seats for members of the Finance and Appropriations Committees, or in limiting a member's tenure on the Budget committee. Like the Joint Committee report and the House version of the bill, they provided for the creation of a new Senate committee to oversee a highly structured, carefully orchestrated budget process superimposed on the old authorization-appropriations process.

In December of 1973, the focus shifted from the Government Operations Committee to the Senate Rules Committee. Majority leader Robert Byrd took charge of the legislation and reopened negotiations to further balance the interests of the spending committees.⁹ The compromise designed by Byrd supported the authorizing committees by loosening the provisions that gave the Appropriations committee tighter control of backdoor spending. However, Byrd supported the Appropriations committee's position on the second concurrent resolution and reconciliation. The balancing of committee interests was explicit. The Senate was able to, "add a new and comprehensive budgetary framework to the existing decision-making processes with minimum disruption to established methods and procedures."¹⁰

The most obvious difference between the House and Senate provisions was the weakness of the House Budget Committee. In the House, the Ways and Means and Appropriations committees were able to insure themselves direct representation on the Budget Committee and limit the tenure a member may

have on the committee. Committee self interest was behind these provisions as much as anything else. In the Senate, there was no perceived need to institutionalize a weak budget committee. This new panel was less threatening than in the House, reflecting a difference in the distribution of power in the two legislative chambers. Nonetheless, one clearly observes accommodation to committee interests in formulating the legislation in the Senate. Accommodation and deference to other committees also characterizes the implementation of the budget process in the Senate, despite the emphasis placed on the aggressive and combative nature of the Senate Budget Committee by many observers.

THE PRACTICE OF BUDGETING IN THE SENATE 1975-1980

The Senate has been able to adapt to the new requirements of the Budget Act better than their House counterparts, where the battles have been more protracted and the debate more acrimonious. Budget resolutions have passed the Senate consistently by margins of about 2 to 1. Bipartisan support for the budget resolutions was fostered by the cooperation of Budget Committee Chairman Edmund Muskie and ranking minority member Henry Bellmon.

Senate support for budget resolutions is best demonstrated by examining the history of roll call voting on the floor of the House and Senate. Table 1 summarizes these votes between 1975 and 1980. While the House votes were

(Table 1 here)

sharply partisan and decided by very close margins, the resolutions were supported by up to half of the Senate Republicans. No resolutions were defeated on the floor as in the House. This is not to say that there were not conflicts. Senator Muskie took an active stance on enforcing the budget resolution and challenged various spending bills on the Senate floor. Although the Budget Committee lost these votes as often as they won, this

TABLE 1

Votes on Budget Resolutions, 1975-1980
House and Senate

HOUSE

<u>Date</u>	<u>Resolution/Bill</u>	<u>Vote Yes-No</u>	<u>Republicans Yes-No</u>	<u>Democrats Yes-No</u>	<u>Northern Democrats Yes-No</u>	<u>Southern Democrats Yes-No</u>
5/ 1/75	1st Resolution, FY 1976	200-196	3-128	197-68	151-33	46-35
11/12/75	2nd Resolution, FY 1976	225-191	11-124	214-67	162-31	52-36
4/29/76	1st Resolution, FY 1977	221-155	13-111	208-44	159-20	40-24
9/ 9/76	2nd Resolution, FY 1977	227-151	12-113	215-38	154-16	61-22
2/23/77	3rd Resolution, FY 1977	239-169	14-119	225-50	176-15	49-35
4/27/77	1st Resolution, FY 1978	84-320	2-135	82-185	50-132	32-53
5/ 5/77	Revised 1st Res., FY 1978	213-179	7-121	206-58	142-39	64-19
9/ 8/77	2nd Resolution, FY 1978	199-188	4-129	195-59	139-32	56-27
5/10/78	1st Resolution, FY 1979	201-197	3-136	198-61	152-25	46-36
8/16/78	2nd Resolution, FY 1979	217-178	2-136	215-42	154-25	61-17
5/14/79	1st Resolution, FY 1980	220-184	9-134	211-50	147-33	64-17
9/27/79	2nd Resolution, FY 1980	212-206	0-154	185-77	122-57	63-20
5/ 7/80	1st Resolution, FY 1981	225-193	22-131	203-62	128-54	75-8
11/18/80	2nd Resolution, FY 1981	203-191	2-146	201-45	133-33	68-12
9/ 4/80	Reconciliation, FY 1980 (adoption of rule)	206-182	0-143	206-39	142-27	64-12

SENATE

5/ 1/75	1st Resolution, FY 1976	69-22	19-18	50-4	36-1	14-3
11/20/75	2nd Resolution, FY 1976	69-23	19-15	50-8	41-0	9-8
4/12/76	1st Resolution, FY 1977	62-22	17-16	45-6	32-4	13-2
9/ 9/76	2nd Resolution, FY 1977	55-23	14-18	41-5	27-3	14-2
5/ 4/77	1st Resolution, FY 1978	56-31	15-17	41-14	36-3	5-11
9/ 9/77	2nd Resolution, FY 1978	63-21	17-13	47-8	33-4	14-4
4/26/78	1st Resolution, FY 1979	64-27	16-19	48-8	35-4	13-4
9/ 6/78	2nd Resolution, FY 1979	56-18	14-12	42-6	30-3	12-3
4/25/79	1st Resolution, FY 1980	64-20	20-15	44-5	29-4	15-1
9/19-79	2nd Resolution, FY 1980	62-36	17-22	45-14	28-12	17-2
5/12/80	1st Resolution, FY 1981	68-28	19-22	49-6	31-5	18-1
11/20/80	2nd Resolution, FY 1981	50-38	14-20	36-18	24-11	12-7

Source: Congressional Quarterly Weekly Reports.

did not erode the support for their work in assembling the resolutions. As we shall see, support for the budget resolutions remained solid under the Republicans, but the nature of voting alignments changed sharply.

What is the Senate Budget Committee like compared with other Senate committees and the House Budget Committee? Although other Senate committees were not formally represented on the Budget Committee as in the House, a form of de facto representation existed, as part of a process of accommodation. One of the accommodations to the Appropriations Committee was informal representation on the Budget Committee. In the 94th Congress, four of the sixteen members of the Budget Committee were on Appropriations. In the 95th Congress, this increased to six of sixteen members. The Senate Appropriations Committee had about twice the numerical representation on the Budget Committee than the House Appropriations Committee had with its five guaranteed seats. The Appropriations Committees had received other concessions in the Budget Act such as the restrictions on backdoor spending. But this informal accommodation to the Senate Appropriations Committee was important because they had the most to lose from the creation of an independent Budget Committee.

The Senate Finance Committee, by comparison, had only one of its members on the Budget Committee in the 95th Congress. But accommodation to the Finance Committee was less important because the budget process posed less threat to their autonomy and power. In the formulation of the Budget Act, Finance had been able to prevent more explicit revenue figures from being included in the resolutions. The publicized "battles" between Muskie and Long between 1975 and 1979 did not alter the fact that the Finance Committee's domain was fairly secure from the start.

Compared to the House Committee members, Senate Budget Committee members have tended to have lower seniority than House members. Ellwood and Thurber reported that in the 94th Congress, their average number of years in the Senate was 8.8 years compared to an average of 14.8 years in the House.¹¹ By maintaining norms of committee service, a seat on the Budget committee was more attractive to younger members of the Senate. This has contributed to the greater strength of the Senate Budget Committee.

Are ideological differences within the Senate Committee less than within the House Committee? This would appear to be a logical explanation for the conflict within the House Committee compared to the Senate Committee. In the 95th Congress, House Budget Committee Democrats were more liberal and Republicans were more conservative than their party as a whole.¹² But ideology does not seem to explain the differences, because the same split was found on the Senate Committee. Senate Budget Committee Democrats had higher ADA ratings than all Senate Democrats (about 5 points higher) while Committee Republicans have lower ADA ratings than all Senate Republicans (about 16 points lower.*) The same conclusion is reached using ACA (Americans for Constitutional Action) ratings as a measure of conservatism. In spite of an ideological split, similar to that of the House Committee, other factors have intervened to produce a less volatile, more harmonious committee.

By constituting the Senate Budget as a regular standing committee, traditional norms of seniority, committee loyalty, and restrained partisanship were preserved. Members have incentives to prevent the all out conflict that has taken place on the House side. However, as Richard Fenno suggests, Senate committees tend to be more permeable than House committees;

*Americans for Democratic Action (ADA) ratings provide a rough scale of liberalism. Higher Scores are more liberal, lower, more conservative. See Congressional Quarterly Weekly Reports. Actual figures for 94th Congress and comparisons with 97th Senate follow in the next section - see Table 2.

they are not impregnable.¹³ Traditional committee norms are only part of the answer. The Senate Budget Committee balanced committee prestige with a recognition of individual member needs and a decentralized power structure, consistent with the general trends of the Senate in the late 1970s. It appeared both in committee leadership and in committee decision-making processes.

Senators Muskie and Bellmon combined to provide leadership of the Budget Committee based on bipartisanship and consensus building. Senators Hollings (D-SC) and Domenici (R-NM) appear to have continued their tradition after the departure of Muskie and Bellmon, although the strains may be even greater in the 1980s. There is conflict on the committee, and it often develops along party lines, but it resembles what John Manley has called "restrained partisanship."¹⁴ Once the choices were made, the committee presented a united front on the Senate floor, and urged members of both parties to support their position. Senator Bellmon expressed this philosophy in opposing cuts in the first Resolution for FY 1979:

SENATOR BELLMON: (I) voted for an even larger cut in spending during the markup of the resolution and.... this puts me in somewhat of a dilemma. I have, since the Budget Committee was formed, consistently taken the position that we ought to work as a committee, work our wills, make the best decisions we could, and then, having come to that conclusion, we ought to support that decision as a committee so that when we came to the floor we would not each of us be going in our separate directions and, in this way, weaken the budget process... So, attractive as I find the Senator's amendment to be, I must say that I feel at this time, partially because other committees will not have known in advance about the impact that such cuts might have on the areas of their concern, that the amendment should be rejected. 15

Roll call votes within the committee during its first few years are instructive in analyzing decision-making processes. Of the 72 recorded roll call votes between 1975 and 1977, none were straight party line votes. This compares with 14 percent for the House committee. Over half (54%) of those

votes in the Senate Budget Committee were party votes where a majority of Democrats opposed a majority of Republicans. While this is significantly lower than the 78 percent party votes in the House Budget Committee, the figure is still relatively high compared to other Senate committees. With three conservative Democrats who voted with the Republicans more often than with the majority party, Muskie could not look only to members of his own party for support on crucial committee votes, further promoting bipartisanship.

Although Senate Republicans, as a group, had the lowest party cohesion scores (of the four caucuses) in floor voting, in committee votes they had higher party support scores than the Democrats. This was a harbinger of a floor voting pattern that would emerge in the Republican Senate. The cooperation contrasted with the pattern observed in the House on voting agreement between chairman and ranking minority member in this same period. Muskie and Bellmon voted together on 36 of 72 recorded votes, exactly half. Agreement between leaders of the House committee was only 14 percent on all votes cast in committee. In comparison with the House, partisanship on the Budget committee is clearly more restrained.

Not only has restrained partisanship enhanced the power and prestige of the Senate Budget Committee, but it has also served individual member needs far better than unrestrained partisanship. Each committee member can expect to play a meaningful role on the committee. With the fluid nature of voting alignments on the committee, members can maximize their bargaining power. This is reflected in higher committee attendance and participation than in the House.

The norm of specialization is generally stronger in the House than the Senate, but on the Budget Committee, it is a norm to be avoided. Members

are expected to be generalists, not specialists. Since the committee must balance the desires and requests of a variety of competing interests, they must avoid being advocates of a particular set of agencies, programs, or another standing committee. One member described the differences with the House:

I detect more of a constituency thing on the House side - members pushing for their pet functions. This causes problems when it is brought to the floor. We have much less of this on the Senate side. One of the reasons we have been successful is that the committee is an accurate reflection of the makeup of the Senate. Items fought out in the committee are not fought on the floor. 16

The committee attempted to show the Senate that they are not advocates of any particular point of view, rather, that they are only concerned with fiscal policy and discipline.

Decision-making processes adopted by the committee reflect accommodation to individual member needs and deference to existing Senate power. For example, the Senate committee has been less specific in its subtotals than the House, avoiding considering line items, or specific programs within the functional totals.

Accommodation to individual member needs is apparent in the way a budget resolution is formulated. Unlike Representatives Brock Adams (D-Wash) and Robert Giaimo (D-Conn), Chairmen of the House Budget Committee in the 1970s, Senator Muskie did not begin with a specific chairman's "mark." The committee in the Senate considered a total for an entire function, often without any further specification of how the total is to be subdivided between committees. In addition, the Senate Committee began deliberations using the current policy estimates (projections of a standpat budget provided by the CBO) as a baseline, while the House used requests in the President's budget as a baseline.

By not establishing a chairman's mark, committee members were more fully involved in the process of fixing totals. One of the major complaints of House committee members, especially the Republicans, was that the chairman's figures are presented as a fait accompli, and that the committee discussions were usually ignored by the chairman (and a majority of the Democrats). The process of decision-making adopted by the Senate Budget Committee from 1975-1980 limited the number of complaints from standing committees about the incursions on their territory, and fostered fuller participation by committee members.

The budget process in the Senate was a significant departure from past practices, superimposing a new apparatus over the old appropriations-authorization-revenue process. Nonetheless, from formulation, selection of members, to decision-making, the committee had carefully made sure the budget process "fit" the Senate.

BUDGETING IN THE REPUBLICAN SENATE

By 1981, only three Democrats and one Republican remained from the original Senate Budget Committee. In the 97th Congress, half of the twelve Republicans on the committee were freshman while all ten Democrats had served in the 96th Congress. Informal representation of other committees continued in the 97th Congress, again favoring members of the Appropriations Committee. Four Democrats - Hollings, Chiles, Johnson, and Sasser - and two Republicans - Andrews and Kasten - also served on the Senate Appropriations Committee. Although no Democrats in the 97th Congress served simultaneously on Budget and Finance, three of the Republicans also are on the Senate Finance Committee. The overlap of Appropriations and Budget Committees, and the increase in the number of Finance Committee members on the Budget Committee, continues an important trend. It helps facilitate communication and negotiation

on possibly contentious taxing and spending issues.

Has the ideological orientation of the committee changed in the 97th Congress? Recall that we found in the Senate Budget Committee as ideologically divided on paper as the House Budget Committee, but much less divisive and partisan in practice. Table 2 compares the liberalism/conservatism
(Table 2 here)

of the first Budget Committee with the committee in the 97th Congress. The ADA and ACA ratings are rough indicators of ideology and meaningful comparisons between years are difficult. The most valid comparison is between the average of Republicans or Democrats on the committee and the average for all members of their party in the Senate in a given year. Using this indicator, the ideological divisions are nearly identical to their pattern seven years ago. Committee Republicans are more conservative than all Senate Republicans, and committee Democrats have ratings very close to the average for all Democrats. What is significantly different is the numbers. There are twice as many Republicans in the 97th Congress as there were on the committee in the 94th Congress. While there are a handful of liberals on the Democratic side, such as Metzenbaum, Riegle, Hart, and Biden, there is a substantial conservative majority on the committee. The freshman Republicans tend to be conservative like most of the Republicans elected in 1980. In this way, the committee demonstrated a continuity in the ideological stance of the two parties, but simultaneously reflects the electoral turnover which has given the conservative minority in the 94th Congress a majority on the committee in the 97th Congress.

1981 was an exceptional year. The patterns identified in this year may not become trends, but some noticeable shifts can be observed. Looking at the three key votes in the Reagan economic program in Table 3 compared to the previous votes shown in Table 1, a change can be seen. The Republi-

TABLE 2

SENATE BUDGET COMMITTEE LIBERALISM AND CONSERVATISM
(Ratings by Americans for Democratic Action--ADA
and Americans for Constitutional Action--ACA)

Senate Budget Committee--94th Congress*

DEMOCRATS			REPUBLICANS		
Name	ADA	ACA	Name	ADA	ACA
Muskie (Maine)	80	8	McClure (Idaho)	0	100
Mondale (Minn)	75	0	Domenici (NM)	5	87
Cranston (Calif)	75	4	Dole (Kans)	10	87
Biden (Del)	75	17	Buckley (NY)	5	82
Magnuson (Wash)	70	9	Bellmon (Okla)	10	76
Aboureszk (SD)	60	14	Beall (Md)	20	42
Moss (Utah)	55	17			
Chiles (Fla)	45	48	Average	8.3	79
Hollings (SC)	40	28			
Nunn (GA)	20	62			
Average	59.5	20.7			
Average, Senate Democrats	54.3	23.2	Average, Senate Republicans	25.7	63.3

Source: Congressional Quarterly Weekly Reports, 1976

*Only one non-freshman joined the committee in the 95 Congress: Johnson (D-La.)--ADA=15, ACA=56.

Senate Budget Committee--97th Congress

DEMOCRATS			REPUBLICANS		
Name	ADA	ACA	Name	ADA	ACA
Hollings (SC)	39	43	Domenici (Chair, NM)	17	71
Chiles (Fla)	50	38	Armstrong (Colo)	11	100
Biden (Del)	67	18	Kassebaum (Kan)	37	63
Johnston (La)	33	29	Hatch (Utah)	17	96
Sasser (Tenn)	67	23	Boschwitz (Minn)	28	96
Hart (Colo)	61	36	Tower (Texas)	6	91
Metzenbaum (Ohio)	83	12	Andrews (ND)*	-	-
Riegle (Mich)	84	15	Symms (Idaho)*	-	-
Moynihan (NY)	47	15	Grassley (Iowa)*	-	-
Exon (Neb)	21	39	Kasten (Wis)*	-	-
			Quayle (Ind)*	-	-
			Gorton (Wash)*	-	-
Average	59.4	25.15	Average	21.5	85.9
Average, Senate Democrats	58.	26.	Average, Senate Republicans	29.	73.

*Denotes Freshman

cans in the Senate joined ranks to provide almost unanimous support for the President's program. Formerly the least cohesive of the four caucuses, they displayed a cohesiveness similar to that of their Republican colleagues

(Table 3 here)

in the House. The Democrats became slightly less cohesive, but still tended to support the budget measures by a 2 to 1 margin.

Republicans on the Budget Committee unanimously supported all three of the key votes listed on Table 3. Democrats on the committee divided on the issues as shown in Table 4. Seven of ten Democrats opposed the Republican

(Table 4 here)

majority's first resolution, but only two of ten opposed the tax bill in late July. In contrast to the Republicans, the Democrats on the Budget committee displayed a fluid pattern of voting as the minority party. It appears, in general however, that the bipartisan atmosphere and patterns of decision-making established earlier continued under Republican leadership.

ENFORCING THE BUDGET RESOLUTIONS AND RECONCILIATION

The greatest policy impact in the history of the budget process occurred in 1981 when significant reductions in current policy were approved. The Senate strained under the self imposed strictures of mandated reductions, but less so than the House. Tensions between the standing committees and the Budget Committee were inevitable. To understand and evaluate the effect of the use of reconciliation in 1980 and 1981, it is necessary to review the previous history of enforcement of the budget resolutions in the Senate, the impact of the budget process on the other standing committees in the Senate.

Particularly in making comparisons with the budget process in the House, the dominant image of the Senate Budget Committee was aggressive and expansionist. Muskie and Bellmon were willing to challenge other powerful

TABLE 3

Key Senate Votes on Reagan's Economic Plan

<u>Date</u>	<u>Measure</u>	<u>Vote</u>	<u>Republicans</u>	<u>Democrats</u>	<u>Northern Democrats</u>	<u>Southern Democrats</u>
5/12/81	1st Resolution FY 1982: Committee Report as amended	78-20	50-2	28-18	14-17	14-1
6/25/81	Omnibus Reconciliation Bill of 1981 Committee report as amended	81-15	52-0	28-15	13-15	15-0
7/29/81	Economic Recovery Tax Act of 1981 Committee report as amended	89-11	52-1	37-10	24-8	13-2

TABLE 4

Senate Budget Committee
Democratic Votes on Reagan Economic Plan*

	1st Resolution** FY 82	Reconciliation** Bill	Tax Bill**
Chiles (Fla)	+	+	+
Johnston (La)	+	+	+
Sasser (Tenn)	+	+	+
Exon (Neb)	-	+	+
Hollings (SC)	-	+	-
Biden (Del)	-	-	+
Reigle (Mich)	-	-	+
Moynihan (NY)	-	-	+
Metzenbaum (Ohio)	-	0	+
Hart (Col)	-	-	-

*Committee Republicans unanimously supported all three measures

**Same votes used in Table 3, Roll call #s 112, 182, 239

Yea = +

Nay = -

Not Voting = 0

committees in the Senate when the budget targets were in danger. Did this image adequately reflect the most typical relationship? The issue is not whether there were "conflicts," "power struggles," or "budget battles" in the Senate; it is a question of emphasis not revision. In reviewing the relationships between committees leading up to reconciliation in 1981 we will examine episodes of conflict, routine patterns of interaction, and Senator's own assessments of the relationships.

The Authorizing Committees and the Budget Committee

One of the first big tests of the Senate Budget Committee arose in 1975 when Muskie challenged John Stennis and the Armed Services Committee over a military construction bill. Even many members of the Budget Committee were surprised that the Senate sided with Muskie. A few early episodes such as this helped create the image of the Budget Committee and its leaders as aggressive protectors of the process. Given this orientation, one might imagine that many members of the spending committees were unhappy with the budget process and Budget Committee. But this has not been the case.

The authorizing committees were generally satisfied with the budget process. There has been some grumbling about the March 15 reports and the May 15 deadline for reporting authorizing legislation because the time constraints faced by the committees required a change in their behavior. Mainly, they were satisfied in the vast majority of cases, because they got what they wanted in terms of money and programs.

The March 15 views and estimates submitted by the standing committees revealed strong advocacy for higher spending. In this regard, their roles in the spending process are in direct conflict with the role of the Budget Committee. But as rational decision-makers, they have adapted to the system. Their requests are expansive to insure that their particular programs get a

'place' in the first resolution.¹⁷ The Budget Committee has regularly reduced these requests, but not below what the committee could realistically live with. An apparent adversary relationship turned out to be cooperative role playing. When the Budget Committee's cuts were too deep, many an unhappy committee could challenge and get its money restored by the full Senate.

Section 402 of the Budget Act allows the May 15 deadline to be waived under special circumstances and the waiver provisions have been used quite extensively. In the Senate, authorizing committees must report a waiver resolution that is referred to the Senate Budget Committee for their recommendation to the full Senate. These requirements were not implemented until 1976, and in the next three years, 101 waivers were requested. Only a few of these requests were not recommended favorably by the Senate Budget Committee, although in several other cases, the requests became moot.

One might have expected that the number of requests for waivers would have declined as the Senate adjusted to the budget timetable. In 1976, 21 waivers were requested, increasing to 43 in 1977 and 38 in 1978. Were the requests for waivers justified? Table 5 lists the most common reasons given by the authorizing committees for reporting legislation after the deadline. The two most prevalent reasons, delay caused by the administra-

(Table 5 here)

tion and unforeseen needs, appear consistent with the justification for the 402 waiver procedures. Other reasons, however, reflect delays that should be correctable through better planning, such as workload, staff problems, and unfamiliarities with procedures.

Certain committees in the Senate used the waiver procedures more frequently than others. Table 6 reveals that about 70% of the waivers were

(Table 6 here)

TABLE 5

Reasons for Waiver of Budget Act
1975-1978
(402 waivers - authorization deadlines)

<u>Reason</u>	<u># Cases</u>
(1) Delay caused by Administration	23
(2) Emergency; unforeseen needs	20
(3) Committee workload, inadequate time, other priority legislation	19
(4) Committee reorganization, adjournment, staff problems	13
(5) Other congressional delays	12
(6) Committee error, unfamiliar with procedures	5
(7) No reason given	4
(8) Other	6

N = 101

Compiled from lists of waiver requests and reasons supplied by Senate
Budget Committee

TABLE 6

Budget Act Waivers
Frequency by Senate Committees 1975-1978

<u>Committee</u>	<u>Waivers Requested</u>
Foreign Relations	11*
Energy (Select)	10**
Environment and Public Works	9
Agriculture	9**
Judiciary	9
Indian Affairs (Select)	8
Banking and Currency	6
Armed Services	6
	<hr style="width: 100%;"/>
	63
	<hr style="width: 100%;"/>
Others (4 or less each)	(34)***

* One request received unfavorable recommendation from Senate Budget Committee

** One request not acted on by Senate Budget Committee

*** Three requests from individual members, not committees.

requested by eight Senate committees. Foreign Relations headed the list with eleven requests. Both Foreign Relations and the Select Committee on Energy had a greater problem with administration-caused delays. Others, like Environment and Public Works, Agriculture, and Judiciary, have less valid reasons for frequent waiver requests.

Why did not the Senate enforce the waiver provisions more rigorously in the first few years? The reason was that the cost on antagonizing authorizing committees was not worth the benefit of cleaning up the loose ends of the process. The fact that the House has been somewhat more guarded in granting waivers, despite their relative weakness, suggests again that the Senate Budget Committee was very accommodating to the legislative committees.

The Appropriations Committee and the Budget Committee

Early in its existence, the Budget Committee challenged the Appropriations Committee, and obtained approval from the Democratic caucus for the right to have joint jurisdiction with Appropriations in handling presidential rescissions and deferrals. Ellwood and Thurber have argued that the comparative advantage to Muskie and the committee was quite small, but that it was important to assert their authority and establish their existence.¹⁸ Was this typical of their actions towards the Appropriations Committee?

Former Appropriations Chairman John McClelland was originally skeptical but soon became a strong ally of Muskie and the Budget Committee. Despite the challenge by Muskie over impoundment jurisdiction, the Senate Appropriations was not threatened by line-item estimates by the Budget Committee. Muskie commented:

"We do not go into the program detail that the Appropriations committee does. If we were to do the actual allocation by appropriation bill, we would be doing the Appropriations Committees' work. That is not our responsibility. 19

The Senate Appropriations Committee had more to gain than their House

counterparts, since the new process enabled the committee to approach parity with the House. Joel Havemann concluded that the budget process assisted McClelland in consolidating his power as chairman by giving him more control over the subcommittees.²⁰ For these reasons, the relationship emerged into an alliance.

The members of both Budget and Appropriations indicated that the dominant pattern was one of cooperation. One member, who was on both committees, commented:

From the start, there has been a mutual respect between the two committees (Budget and Appropriations)...I think that Appropriations actually appreciates our efforts to hold down spending - it relieves some of the pressure on them. 21

A Democrat on the Appropriations Committee echoed this sentiment:

We get along with them (Budget Committee) very well and have had very few problems. At first some of my more senior colleagues were resentful - felt a little threatened but we have moved away from this after the first year. This has been a meaningful change accomplished together, and I believe we (on Appropriations) have improved our performance. 22

Few appropriations bills were challenged by the Budget Committee on the Senate floor. They have had their members constitute up to 40% of the Budget Committee, which helped insure that their interests were protected. The committee has also acted as an advocate in the process. Appropriations subcommittee Chairman William Proxmire, self proclaimed budget cutter and sponsor of the "Golden Fleece" award, described how experience taught him how to behave:

I made a low estimate and lived to regret it. I fought for the estimate, but I lost. Ever since then I have been a little gunshy and I have attempted to come in high rather than low. They (the estimates) can contain everything including the kitchen sink. It is easier and safer to suggest a high figure so that in the end one will look good by coming in under it rather than submitting a lower figure which may be exceeded. 23

The Appropriations subcommittees in the Senate were able to insure that the vast majority of their spending goals were achieved. Despite some overt cuts, the budget resolutions over the first five years expanded to meet the desires of the Appropriations and authorizing committees.

The Finance Committee and the Budget Committee

There was less cooperation between the Senate Finance Committee and the Budget Committee over this period. Senator Muskie's observations on the control exercised by Finance were only half-humorous.

The Finance Committee now controls the entire revenue side of the budget, which is 50 percent of it, and then if you look at the spending side, medicare, medicaid, social security and so on - You add it altogether, yes, and I expect it is close to 75 percent of the whole budget which goes through the Finance Committee. We don't focus on it, we let it grow, and I don't blame Russell (Long) for not wanting the budget process; he has got 75 percent of the budget now, why should he give to anybody else any part of it? (Laughter). 24

The expansion of tax expenditures has allowed the Finance Committee to enlarge its policy domain since the implementation of the budget process, even if its discretion was reduced in other ways by reforms in the early 1970s. The Budget Act requires the Budget Committee, "to devise methods of coordinating tax expenditures, policies and programs with direct budget outlays," but the Act did not equate tax expenditures with direct outlays. The Budget Committees list tax expenditures, but they are not approved in the resolutions. There is no provision for Congress to directly control tax expenditures, or integrate revenue decisions with other budget choices. To date, the Budget Committees have been unable to curb the expansion of these individually popular measures, including the 1981 tax bill which contained a bonanza of tax expenditures.

When he was committee Chairman, Russell Long resisted any attempts to bring his committee's actions under closer scrutiny and centralized control.

Senator Muskie described the root of the problem:

Our problem with Finance is that there is only one number in the budget resolution that affects revenues, and that is the overall revenue floor. If we adjust that to accommodate some total of tax expenditure reform, as we did two years ago, \$2 billion, you see Russell (Long) is astute enough so he can put together a totally unanticipated package of offsetting changes in the revenue code that would fit under the \$2 billion restriction... Russell (Long) plays the game superbly. He is defending his committee's jurisdiction and no committee in the Senate has expanded its jurisdiction over more substantive program areas... than Finance. 25

In the first budget resolution in 1976, the Senate Budget Committee included a figure of \$2 billion in revenue to be gained from tax reform. Long opposed it on two grounds. First, he pointed out that tax reform legislation usually does not take effect immediately, and second, he argued that the Budget Committee had no right to instruct the Finance Committee.²⁶ Muskie and the committee held their position and took the fight to the Senate floor, where Long prevailed in a number of votes.

Other conflicts took place in these first few years. The Finance Committee met the totals of the first resolution for FY 1978, but contrary to Budget Committee suggestions. The Budget Committee urged the Senate to change the Finance Committee's bill. Senator Lloyd Bentsen argued for the Finance Committee:

If it (the Budget Committee) can deal with specificity and detail as to which taxes should be raised and which taxes should be lowered, then it has taken over the responsibility of the Senate Finance Committee... If that happens, you are going to see this same pattern followed in the Appropriations Committee and finally, in the other authorizing committees, and you will have seen the destruction, I think, of the budget reform act. 27

The Senate upheld the position of the Finance Committee in a close vote. Enough other committees (and a majority of committee chairmen) were concerned about the encroachments of the Budget Committees.

The Senate Budget Committee has played an active and often assertive role in enforcing the budget resolutions. Some of their actions can be attributed to the normal desire of a committee protect and expand their power and jurisdiction. Both Dennis Ippolito and Allen Schick generally arrive at similar conclusions concerning the impact of the budget process on Senate committees. Ippolito concludes that the Finance Committee refused to accept any formal recognition of the Budget Committee's expanded claims.²⁸ He calls the budget committees "adding-machine committees that take the demands of spending committees and impose as much restraint on them as the current congressional mood allows."²⁹ Schick strongly emphasizes the roll of accommodation in multiple dimensions of the budget process and suggests that, "the trick for the Budget Committees is to accommodate without surrendering all meaningful enforcement."³⁰ The experience with reconciliation in the Senate in 1981 might appear to provide the biggest challenge to the accommodation thesis. In contrast with the House and in comparing the policy impact of the budget process, reconciliation provides an extremely useful perspective with which to complete our analysis.

Reconciliation

The reconciliation provisions are found in section 310(c)(d)(e) of the Budget and Impoundment Control Act. In the original language of the statute, the budget resolutions may determine that spending authority contained in the laws, bills and resolutions of a committee is to be changed. If more than one committee is involved, the Budget Committees receive recommendations and report a bill to the full chamber. Debate in the Senate on any reconciliation bill or resolution is limited to twenty hours. Dormant for the first five years of the budget process, it was first used in the Senate in 1980, resulting in a bill late in the year that produced cutbacks of about

\$8 billion. Originally intended to be used at the end of the process in conjunction with the second resolution, reconciliation was chosen as the vehicle for the Reagan administration to achieve its desired budget cut-backs at the beginning of the congressional budget process. This adaptation of the reconciliation process was not done by amending the budget act, but simply by providing for it through a concurrent resolution. Although a number of legal and parliamentary issues have been raised concerning the use of reconciliation, the real issues are political. Congress can operate under any set of rules they see fit and the events of 1981 represent the wishes of a majority. But the House and Senate went about the task differently.

The first resolution passed in May mandated cutting over \$35 billion from existing programs. After a month of arguing, haggling, bargaining into the wee hours of the morning, the Senate arrived at a package that, if not enthusiastically endorsed, was acceptable to a majority. Senator Edward Kennedy commented on the package of cuts adopted by the Committee on Labor and Human services, where he is ranking minority member of a committee chaired by conservative Senator Orrin Hatch.

These are significant victories that make our reconciliation package a major improvement over the administration's original proposals. They have been achieved with bipartisan support on the committee. They have been accepted by the administration, the majority leader, and the chairman of the Budget committee. 31

The House, too, had a month of cutting and struggling with the reconciliation package, but in contrast to the grudging acceptance by Senators, the stunned Democratic leaders and committee chairmen saw their work completely thrown out and replaced by a hastily assembled substitute largely dictated by the Reagan administration. Note the comments of Representative Kika de la Garza, Chairman of the House Agriculture Committee.

I resent the fact that the Committee on Agriculture of the House of Representatives and their members, their power and their jurisdiction have been usurped by a Member of this House* and some unelected member of the administration** and in some corner or some dark alley or hallway or heaven knows where they meet, they wrote and maybe are still writing what is going to be our package for agriculture. I resent and I challenge the right of anyone to do that. 32

While reconciliation may have had a significant effect on the congressional committee system, on the emphasis of lawmaking over representation,³³ and on legislative-executive power in national politics, the Senate appears to have done less violence to its norms, procedures, and legislative process. The "tyrannical majority" did not rule, as in the House.

Without minimizing the radical nature of the reconciliation process in the Senate, there is evidence to suggest that some of the earlier patterns established by the Budget Committee in accommodating the needs of the other committees was exhibited in drafting the reconciliation bill. There is evidence to suggest that the bipartisan spirit on the Budget Committee developed by the Democrats when they were in the majority prevented all out warfare when the Republicans gained control of the Senate. There is evidence that compared to the House, traditional norms of autonomy, reciprocity, and the individualized power structure carried over even to the way reconciliation was handled.

CONCLUSION

Much more can be said about the impacts of the budget process on the Senate. This paper has attempted to take an overview of some of the different results. The events of 1981, which challenged some of our previous conclusions and reinforced others, demonstrates the dynamic quality of con-

*Representative Phil Gramm (D-Tex)
 **Budget Director David Stockman

gressional budgeting. Nonetheless, some general conclusions can be suggested.

The budget process added a degree of order and discipline to Senate deliberations on the budget not previously seen. The Senate Budget Committee became a significant force in the legislative process and in the formulation of taxing and spending policy. The quality of budgetary information in the Senate has improved due to the activities of the Congressional Budget Office and the staff of the Budget Committee. Differences with the House Budget Committee and the Budget process in the House provide additional insights into the Senate. We observed differences in the impact of ideological cleavages, partisanship, styles of leadership, and relationships to other committees. It seems clear that despite the seemingly radical and centralizing nature of the budget process, that in many ways it was implemented in a manner consistent with Senate traditions.

Accommodation to the other committees and the power structure of the Senate was cited in a number of instances, from the drafting of the legislation to its implementation to, most recently, the way reconciliation was handled. In terms of procedural impact, the budget process has had a significant impact on the Senate, but it clearly has not solved all the problems. Although the record in completing action on spending bills in a timely and orderly fashion was excellent in the first few years of the process, 1980 and 1981 resembled the chaos of the prereform years. This problem was particularly acute in the Senate in the fall of 1981 when, without the leadership of the White House, the Republican majority seemed incapable of bringing the budget to an orderly conclusion. For the first time in seven years, Congress failed to finish their process, opting simply to reconfirm the first resolution with its obviously inaccurate assumptions.

The impact of the budget process on budget totals and national policy was surprisingly small before 1981. Despite some pronounced House-Senate differences, the totals that the two bodies arrived were remarkably similar, and not significantly different from current policy baselines. While a number of important choices were made using the budget process on an individual basis, the aggregate of budget decisions did not depart from a pattern of steady growth. Not until 1981, spurred by leadership from the Reagan administration, did the budget process produce a striking policy effect. It may seem ironic to some that the budget process which was implemented to make Congress more independent from the president had its first real impact because of presidential leadership. Despite the furor over reconciliation and regardless of what one thinks of the specific budget cuts, the fact that majorities in Congress were able to respond in a quick and orderly fashion is more a tribute to the process than an indictment.

The budget process has had an impact on power in the Senate and in national government. In the first seven years, Congress demonstrated both that they could be independent from the President (Ford's first budget, for example) and that they could be responsive to a president. Other factors are critical here. Reagan is not Nixon and 1982 is different than 1972 in terms of presidential-congressional relations. Perhaps the Senate cooperation with Reagan is more typical of the relationship that will emerge in the future than the experience of either Ford or Carter. In terms of power within Congress, the Senate seems to be more nearly the equal of the House in matters of taxing and spending. The budget process has been a great leveler in that regard. Reconciliation as practiced in 1981 is most probably an anomaly. The committee system is not dead, and the Budget committees have not supplanted other spending committees. But the experience has demonstrated the potential of the

congressional budget process. Only the future will reveal how the Congress will respond to the growing frustrations of estimation, uncontrollables, off-budget items, and economic assumptions which threaten to scuttle serious policy making. Whatever the difficulties, it seems clear that the Senate and the entire Congress is better equipped to deal with them than they were before 1975.

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