CAN CONGRESS LEGISLATE FOR THE FUTURE?

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Observing the summer rush to pass bills deemed important for legislators facing tough re-election battles, a Capitol Hill reporter summed up the season as "Legislating for November."[i] Given legislators' incentives to take credit and to avoid blame, the question naturally arises: Can Congress legislate for the longer-term? Do legislators have the necessary incentives, capacity, and institutions for addressing long-range policy issues—problems like Social Security, global climate change, health care financing, and defense restructuring? I argue that congressional pathologies limit Congress's ability to legislate for the future, pathologies exacerbated today by partisan polarization and competition.

Why is Congress prone to ignore problems with long-term consequences, and why might that tendency be worse today than before? To answer these questions, I explore first why Congress finds it challenging to solve problems, regardless of the temporal nature of the problem. Electoral incentives and organizational arrangements conspire to make it tough for members of Congress to resolve difficult public problems. Legislating for the future inherits all of the stickiness of the legislative process, and then is further vexed by the difficulty of reaching compromise on policy problems whose effects will not be felt for decades—even as the political fallout occurs immediately. Congress may have the analytic capacity to inform itself about adverse long-term policy consequences, but it often lacks the political will to do much about them.

Pathologies of Congressional Inaction

No assessment of Congress's problem solving capacity can get very far without coming to terms with David Mayhew's 1974 work, *Congress: The Electoral Connection*. Re-election,

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Mayhew argued, was the proximate goal of all legislators—even if legislators harbored other goals such as making good public policy or securing institutional power. With that assumption, Mayhew relayed the consequences of a Congress populated by "single-minded seekers of re-election"—including implications for legislators' behavior, Congress's organizational design, and the institution's policy choices.

The most often cited consequences of the re-election assumption concern legislators' political behavior. If legislators are motivated by securing re-election, we should expect to find members seeking opportunities to claim credit for positive things they have done, seeking to advertise themselves to constituents, and seeking to take positions rather than to make tough choices. As R. Kent Weaver has argued, we should also expect to see members put a high priority on avoiding blame for any measure that imposes costs on constituents.[ii] The portrait suggests legislators are loathe to cast any votes that would impose pain on voters.

The assumption of re-election seeking legislators also led Mayhew to several expectations about how legislators would design Congress. Seeking venues for position taking, advertising and credit claiming, legislators should design an institution that broadly distributes opportunities for legislators to partake in these activities of the electoral connection—an institution with strong centrifugal forces and weak centripetal ones. As Mayhew observed, the committee system of the 20th century was a perfect fit for members of Congress. By assigning fixed jurisdictions to committees, legislators gained the opportunity to specialize in areas of electoral value and to pursue electoral activities from those committees. An institution with weak centripetal force—power that might otherwise be exercised by activist party leaders—was well-suited for legislators seeking avenues for taking credit and avoiding blame.

Mayhew's assumption about single-minded seekers of re-election also predicted a range of policy consequences. First, legislators should seek symbolic action, rather than casting votes that make substantive change. Second, legislators should seek to service the organized in anticipation of the next election. Third, legislators should be prone to enacting bills loaded with particularistic policies—concentrated benefits paid for by diffusing costs across the rest of the population. By assigning policy turf to committees—and eschewing rules or practices that concentrated authority on top—legislators stood little chance of having their parochial benefits upended by other committees or central leaders.

Not surprisingly, Mayhew's portrait of Congress leaves little room for Congress to resolve problems in ways that impose visible costs on organized groups or that promise benefits for the future. Why not? More credit comes from providing concentrated benefits than from providing diffuse benefits. Improvements in area highways are clearly more visible and attributable to a legislator's action than is cleaner air or military savings from base closures. Moreover, more blame follows the imposition of concentrated losses than the imposition of dispersed losses.[iii] Taking away a subsidy from a group of producers is more likely to generate blame than passing an energy bill which results in higher electricity rates for consumers. In other words, it is not simply legislators' reluctance to impose costs on their constituents that limits Congress's problem-solving capacity. The extremely short time horizons of voters limit legislators' incentives to think beyond the immediate costs of legislative measures. As Edward Tufte observed some time ago, "There is a bias toward policies with immediate, highly visible benefits and deferred, hidden costs—myopic policies for myopic voters."[iv]

Congress does at times make tough policy choices, even those that involve the imposition of concentrated costs and more diffuse benefits. Such accomplishments include efforts over the 1980s and 1990s to close obsolete military bases, efforts over the past decades to improve clean air, reform of Social Security in the early 1980s and expansion of Medicare in 2003. If Congress's natural tendency is to seek credit and avoid blame, how are such reforms ever possible?

Reconsidering Incentives

More recent models of Congress suggest that we need to think beyond the Mayhew model to determine the ways in which re-election seeking legislators can be encouraged to support major policy reforms—reforms that would be unlikely to pass in a purely "Mayhew-ian" view of the world. Those models are worth exploring because they provide a foundation from which to consider the challenges posed by legislating for the future.

Douglas Arnold offers a prominent alternative to Mayhew's account in *The Logic of Congressional Action*.[v] In Arnold's account, leaders exploit the rules to make it easier for legislators to cast votes for measures that address the general welfare—rather than the narrow interests of their constituencies. Arnold argues that members are more interested in the "potential preferences" of constituents rather than their pre-formed and fixed views of the world. What are the chances that voters will care about the vote I am about to cast? What are the chances that the "latent" preferences of constituents are likely to shape their votes? What citizens think about legislative action, in the Arnold world, depends on perceived costs and benefits of new policies and the causal links between policy choices and effects.

How do leaders motivate legislators to vote for measures that impose costs on constituents and organized interests? The challenge is to devise tactics that limit the "traceability" of policy effects. If it is not easy to trace an observed effect back to government action and then back further to their legislator's contribution, voters are unlikely to take retribution on their member. Scheduling tax increases or benefit cuts for the future, for example, is one way for legislators to design policies that limit traceability of policy effects. By refining the concept of legislative incentives—re-election seeking members who strive to anticipate the potential preferences of an inactive public—Arnold's logic of legislative action provides a model under which tough policy problems might be solved.

Adding political parties to the standard model also affects the likelihood and direction of congressional action. As argued by Gary Cox and Mathew McCubbins in *Legislative Leviathan*, the desire to retain majority control creates an incentive for majority party leaders to pursue policies that build the party's electoral reputation—so long as the majority perceives a political benefit of reform and voters welcome change.[vi] When voters demand policies that improve the public welfare, party leaders may be able to entice re-election seeking legislators to cast votes for measures deemed important to the party's reputation. Reforming farming subsidies in 1996 by decoupling farm payments from crop production was due in large part to the Republican majority's interest in reforming farm subsidies that were unpopular with economic conservatives within the party base. Legislative leaders reframed the debate as a matter of deficit reduction, reducing the leverage of Congress's agricultural committees over the measure. Introducing the electoral incentives of governing parties may increase the chances of major policy change.

Finally, legislators may hold goals beyond re-election. As Diana Evans suggests in *Greasing the Wheels*, coalition leaders—motivated by power or good public policy—routinely use pork barrel projects to buy votes for measures that serve the public welfare.[vii] The North American Free Trade Agreement in 1993, for example, was loaded with earmarks dispensing concentrated benefits to groups—even as the larger bill threatened to impose losses on different economic segments. Coalition leaders can exploit their influence over the drafting of legislative measures and thus may be able to secure major policy reforms that could otherwise be doomed by their costs.

Reconsidering Institutions

Are legislative institutions responsible for the short-sightedness of Congress? We can think of many ways in which congressional structures weaken incentives to deliberate over and to resolve public problems. Before considering the ways in which congressional organization may limit *forward*-thinking, it is helpful to get a sense of the ways in which legislative rules and practices complicate deliberation over even the most *immediate* public problems.

Congressional structures affect the quality of deliberation by shaping Congress's capacity to identify and weigh alternative policy choices, to estimate policy consequences, to refine legislative proposals, and to secure their enactment.[viii] How might institutions directly affect the quality of deliberation and decision-making today? Among their many important effects, legislative arrangements can provide more or less time for debate; they can facilitate the level of resources and expertise to inform legislators about policy choices and effects; and they can provide incentives—or disincentives—for deliberation.

Time for debate:
In the House, decisions about the length of debate and the substance of amendments are decidedly by majority vote—overwhelmingly reflecting the interests of the majority party. On minor measures, debate and amending opportunity are less restrictive. But on any major measure—particularly on one evoking differences between the parties—the majority party strictly limits both debate and amendments to protect the positions of the majority party. In the Senate, majorities are constrained by the lack of majority voting rules to allow the minority party a broader array of participation in floor debate and amendments. More often than not, legislative measures are brought to the floor under a "unanimous consent

agreement,"—an agreement acceptable to one hundred senators that specifies permissible amendments and a final time for a vote. Cutting in the minority clearly enhances participation.

If we believe that better legislative measures are likely to emerge from such opportunities are wider, then contemporary practices in the House limit Congress's problem-solving capacity. Over the decade of Republican House majorities, the majority party has limited the participation of minority party members and often even moderate members of the majority party. Greater consideration of alternatives, greater scrutiny of opponents' arguments, and greater opportunities for changing minds—these and other attributes of good deliberation have become casualties of shortened floor and often times committee deliberation in the House.

Resources, information, and expertise:
Does Congress have the requisite staff resources, expertise, and policy and political information to promote deliberation? Congress's stable committee system certainly enhances the prospects for good deliberation, since its decentralized character encourages a division of labor and specialization in both chambers. To the extent that committees are well-staffed with policy experts and that legislators routinely call on committee and outside policy experts to inform themselves about policy alternatives and effects, then congressional organization and the expertise it may generate would boost Congress's deliberative abilities. The creation of the Congressional Budget Office (CBO) in 1974 as a means of countering executive branch expertise in the budgeting process also enhances Congress's ability to deliberate over policy effects. Legislators' access to non-partisan budget estimates generated by CBO certainly facilitates better deliberation and potentially better decision-making.

Still, cuts in (both majority and minority) staff since the Republicans took control of the House in 1994, elimination of the Office of Technology Assessment in 1995, cuts in funding for the Congressional Research Service—these and other developments over the past decade raise doubts about whether congressional organization is still well suited for sustaining good deliberative practices. Moreover, the expertise of CBO can only enhance deliberation if legislators follow the budget process. In several recent years, bicameral differences over spending priorities have killed Congress's ability to agree to a budget resolution. The structure that would otherwise be afforded by the Congressional Budget Act and the expertise offered by CBO become far less effective when no budget resolution is passed.

Incentives and disincentives for deliberation:
As Paul Quirk suggests in his study of deliberation, the House and Senate norm of seniority for selecting committee chairs throughout most of the twentieth century gave legislators strong incentives to specialize and thus to become policy experts.[ix] This was especially so in the House, since avenues of influence run directly from one's committee perch. But even in the Senate—where committee products can be amended more easily by non-committee members on the chamber floor—committee chairs like Ted Kennedy (D-Massachusetts) and

Richard Lugar (R-Indiana)— became true experts in the labor and foreign relations fields precisely because of their long tenures as committee chairs.

The adoption of term limits for Republican committee chairs in the House and Senate in the late 1990s has strictly reduced the value of committee leadership in both chambers. Term limits clipped legislators' incentives to specialize and harmed Congress's deliberative capacity. The seniority norm made it valuable to specialize, and it increased expertise and institutional memory within committee. With term limits in place for committee leaders, House and Senate members often opt to leave the committee or to retire altogether with expiration of their term. Pat Roberts (R-Kansas), for example, upon finishing his term as House Agriculture Committee chair explicitly tied his run for the Senate to term limits in the House. The loss of resident expertise—and institutional acumen—reduces the quality of deliberation and indirectly Congress's decision-making abilities.

Congressional rules and practices undoubtedly have many other effects on Congress's deliberative capacity. In principle, a decentralized committee system should foster the specialization and division of labor necessary for good problem-solving. In practice, legislators' electoral ambitions and responsiveness to organized interests makes such deliberation about the general welfare quite challenging, even within a decentralized Congress. Moreover, once party ambitions are overlaid on top of the committee system, the majority party's collective interests often encourage party leaders to short-circuit the deliberative process to ensure selection of policy choices favorable to majority party interests. And, of course, those party interests may provide only a partial solution to pending policy problems.

Challenges of Legislating for the Future

Given the pathologies of congressional action, could legislating for the future be any worse? Legislating on long-term policy problems inherits all of the stickiness of the normal legislative process. Long-term problems also pose unique institutional, political, and informational challenges for members of Congress that complicate legislators' incentives and capacities to take action. To understand how these hurdles affect Congress's ability to legislate for the future, I explore the nature of long-term problems and then assess barriers to resolving them.

Long-term problems share several characteristics. First, their effects are unlikely to be felt for years, if not decades. Second, although the effects are realized in the future, problem-solving needs to begin today; the longer a problem goes unaddressed, the tougher the problem will be to resolve in the future. Third, as a consequence, although benefits are forecast for the future, the policy and political costs are likely to be borne today. Global climate change is a perfect example, as the effects of industrial growth and energy use today have effects well into the future. Moreover, the fewer the steps taken today to reduce, for example, culprit greenhouse gas emissions in the future, the harder it will be make sufficient cuts for the future.

Why is long-term problem solving so difficult for members of Congress? And, most importantly, why is it so much more difficult for members than the resolution of immediate policy problems? In thinking about the particular challenges of legislating for the future, it is helpful to distinguish between legislators' political disincentives to act and the institutional constraints on such legislative forward-thinking.

Impact of uncertainty

Legislators dislike taking actions that impose visible costs on constituents, particularly in the absence of salient present benefits. Long-term legislating—which combines immediate costs and long-term gain-- inverts what legislators perceive to be American voters' strongest preferences: Policy choices offering immediate gains and deferred costs. Legislators have little incentive to expend time and resources on reforms addressing long-term problems given the character of costs and benefits. Not surprisingly, it often takes a crisis to encourage legislators to take steps to forestall what had been a future problem. Congress in 1983, for example, enacted Social Security reforms to avert an impending financing crisis. By waiting until crisis is upon them, of course, legislators convert long-term problems into immediate ones—thereby creating an opportunity for credit claiming for an immediate policy success like "saving social security."

Why do legislators so often fail to see the political benefit of acting on long-term problems? The problem is political uncertainty. Because politics is essentially a struggle to control political authority, legislators are extremely reluctant to make decisions for the future—a period fraught with uncertainty about who will hold the reigns of power. As Terry Moe argues,

> "While the right to exercise public authority happens to be theirs today, other political actors with different and perhaps opposing interests may gain that right tomorrow, along with legitimate control over the policies and structures that their predecessors put in place. Whatever today's authorities create, therefore, stands to be subverted or perhaps completely destroyed…by tomorrow's authorities."[x]

Under this logic, legislating for the future—under most conditions—is illogical. It makes little sense from a politician's perspective to agree to policy compromises today that may be undermined in the future. There are simply too many incentives for today's policy losers to subvert past decisions upon regaining the levers of power.

Work by Eric Patashnik on federal trust funds offers support for the idea that pervasive uncertainty affects legislators' strategies in dealing with long-term problems.[xi] Unlike general revenues—that are made available for general discretionary spending by the federal government—trust funds are legally restricted to be spent on particular programs or uses. Among others, trust funds have been established for federal highway spending, Social Security and Medicare. Long-term goals, Patashnik notes, nearly always motivate the creation of trust funds. The beauty of trust funds is that they largely insulate policy solutions from the normal flow of partisan politics. Even when trust funds attract political conflict, trust funds tend to shape the direction of that conflict. Unless actors can succeed in completely eviscerating a trust fund, the terms of debate about a program tend to be heavily molded by the character of the existing trust fund mechanism. In short, trust funds serve as a device for constraining future political actors and their subsequent choices about federal programs. But, of course, trust funds are the exception rather than the rule for how Congress tends to legislate program financing. Why does Congress create relatively few trust funds? As Patashnik argues, both history and politics matter. Trust funds are more likely to be created in policy areas that have had experience with such financing mechanisms. But more importantly for those interested in the prospects for long-term problem solving, legislators are frequently loath to give up their discretion over the future shape of many public policies. Budget flexibility can be sufficiently important to outweigh political benefits of locking-in promises about future program stability. The infrequency with which legislators turn to trust funds to resolve long-term financing issues is ample evidence of the barriers posed by political uncertainty to Congress's incentive for forward-thinking.

<u>Institutional constraints</u>

In what ways might institutional arrangements make long-term problem solving even more difficult than short-term problem solving? My sense is that problem solving for the long-term is complicated by recent innovations in the budget process. One element of the budgetary regime established in the 1990s is the concept of the "budget window."[xii] Rather than only estimate the fiscal impact of legislation for the fiscal year covered by the budget resolution, the new budget regime establishes the idea of a window—a longer period of time over which estimated fiscal impact of legislative changes must be evaluated. The trend since the establishment of the first budget window in 1993—the Senate's so-called PAYGO rule—has been to lengthen the budget window, with the most recent budget windows set at ten years.

How do budget windows work, and why do they hamper Congress's ability to legislate for the long-term? Budget windows are a procedural mechanism used by the Senate to attempt deficit reduction. The Senate's PAYGO rule in effect prohibits consideration of any revenue or spending legislation that would cause (or increase) an on-budget deficit over the time periods designated in the PAYGO rule.[xiii] In practice, most recent budget windows have designated three time periods: the fiscal year of the budget resolution, the first five years covered by the resolution, and the next five fiscal years after that.

Multi-year budget windows are intended to force legislators to consider an accurate accounting of the long-run fiscal impact of federal programs. The Social Security and Medicare programs, for example, use a 75-year budget window over which to consider their programs' fiscal balance. Short or single-year budget windows tempt legislators to consider revenues in the current fiscal year while shifting costs to the "out" years, thus understating the true cost of legislation. If a tax program, for example, is designed to lead to revenue losses in future years, but not within the budget window, then the true revenue impact of the tax measure when adopted would appear positive, even though the program is costly in the longer term.

Using a ten-year budget window makes it harder for legislators to use budgetary gimmicks to keep measures in compliance with the PAYGO rule. So, the use of multi-year budget windows is not by definition problematic for long-term problem solving. But in practice, as Alan Auerbach demonstrates, "simply lengthening the budget window by a few years doesn't eliminate the problem of revenue-or expenditure shifting; there is always a first year beyond the budget window, and whether it is two or 11 years from now , we still care about what happens in that year and the years that follow."[xiv] Perhaps the most egregious recent example of the budgetary sleights of hand encouraged by the ten year window was the Bush Administration's tax package enacted into law in 2001. The tax cut package expired in 2010, one year before the 2011 end of the budget window. Several tax laws were changed for the first nine years of the window, and then existing law was to be reinstated in 2011—thus "sunsetting" the new tax provisions. Revenue losses were thus to be offset by restoring the revenue in the tenth year—thereby keeping the measure deficit neutral.

Ironically, multi-year budget windows encourage short-term thinking by legislators. Granted, one could simply lengthen the budget window to force legislators to think more long-term. But lengthening the budget window to, say, seventy-five years might not improve long-term problem solving. Legislators could easily be tempted to design a benefit cut or tax increase that does not kick in for several decades—thereby "solving" problems by saddling future generations with paying for today's decisions. In short, today's budgetary rules and practices compound the difficulties of thinking about the future in Congress.

Analytical capacity

In many ways, information is rarely a problem for members of Congress. Rather than facing too little, legislators face too much information—given the explosion in advocacy groups, policy think tanks, party-financed study groups in Congress. Moreover, congressional support organizations remain—with one key exception—expert sources of information on policy design and policy consequences for members of the House and Senate. The Congressional Budget Office, the renamed Government Accountability Office, the Congressional Research Service—these organizations maintain reputations for non-partisan, objective consideration of public policy problems, thus providing valuable expertise for Congress. Moreover, they have maintained their reputations over the course of several changes in party control of the House and Senate, suggesting that the organizations are generally immune to partisan capture.

The decision of the Republican majority in 1995 to eliminate the Office of Technology Assessment (OTA) deserves a brief look in this context.[xv] In the narrowest of terms, OTA was established by Congress in 1972 to provide it with expertise on the impact of new technologies. In broader terms, OTA was created to give Congress an additional source of policy expertise, so as to reduce its reliance on executive branch agencies and bureaucrats—a valuable move for a Democratic Congress in 1972 facing a Republican administration. In practice, OTA came to provide policy expertise to Congress over a wide range of policy matters, including among many others environmental protection, hazardous waste disposal, missile defense systems, transportation, and energy development. Given the usefulness of such expertise for thinking about long-term problems—which often entail uncertainty about future technologies, resources, and trends—the decision to abandon OTA in the 1990s likely had a direct and harmful effect on Congress's ability to think constructively about future problems.

The Impact of Polarization

My sense is that polarization of the nearly-evenly balanced two political parties has exacerbated the difficulties members face in legislating for the future. Polarization has affected the parties' electoral and governing strategies, and it has harmed the quality of congressional deliberation. These consequences of polarization have direct and indirect effects on Congress's capacity to legislate for the long-term.

Polarization and party strategies

Intense elite polarization has altered the dynamics of elections and governance in a fundamental way, and in doing so has directly affected the parties' capacities as problem solvers. As Morris Fiorina has argued, the partisan stakes have increased as the two parties have become so closely matched over the past decade. Because recent legislative parties tend to be quite cohesive with policy often decided within each party caucus, and because interest groups—and Washington lobbyists-- have increasingly become aligned with one party or the other, it matters in policy and political terms which party controls Congress and the White House.[xvi]

How might intense partisanship affect Congress's ability to think about long-term problems? Fiorina argues that there has been a shift in the parties' electoral strategies. Parties—as political scientists conventionally believe—no longer appear to move to the center to maximize their votes. Instead, party strategists aim to turn out the party base; the goal is to satisfice, rather than to get the most votes. In policy terms, this creates a strong incentive for the governing majority to appease the issue activists who constitute the party base. In this type of political environment there are few rewards for devoting time and resources for serious problem solving and in Fiorina's view strong incentives to manipulate information, to distort facts, and to pursue symbolic solutions. Thinking seriously about future challenges is a low priority in a polarized environment.

Polarization and deliberation

Polarization has also had severe consequences for the quality of congressional deliberation.[xvii] In an era of tightly competitive parties, the governing party's leaders have strong incentives to build the majority party's reputation by securing policies favored by the party base, to deny the minority party credit claiming opportunities, and to avoid votes that could split the majority party and thereby devalue the party's "brand" name. To successfully pursue and protect the majority's reputation, majority parties have an incentive to exploit legislative practices, using the rules to protect the majority's favored positions.

Congress's deliberative capacity is a direct casualty of the demise of regular order. First, pressure to deliver party-supported measures has often led House Republicans over the past decade to limit committee consideration of major agenda items. Bringing measures to the floor without the benefit of a committee hearing or debate short-circuits the consideration of policy alternatives and thus dilutes Congress's deliberative capacity, especially for long-term problem solving.

Second, the demise of regular order has direct implications for the quality of deliberation. As Mucciaroni and Quirk determine from an analysis of a range of congressional debates, in partisan debates "legislators offer more extreme claims, distort their opponents' positions, and withhold concessions….Legislators may ignore arguments that do not fit their ideological beliefs, distort information to make it consistent with those beliefs, and resist developing shared understandings of policy problems."[xviii] Granted, robust party competition can energize the two parties to challenge their opponents' claims in debate, thereby improving the usefulness of the debate. But the majority party's push to appeal to party loyalists and ideological factions within the party quite often leads to inaccurate claims and a resistance to concessions. Mucciaroni and Quirk's finding of the harmful impact of polarization on the informational value of deliberation raises red flags about Congress's ability to deliberate over policy alternatives designed to address long-term problems.

Third, with the demise of regular order, both parties over the past two decades have resorted to packing multiple measures into single, large omnibus bills. Usually submitted to the House and Senate chambers for a short debate and an up-or-down vote in the run-up to a congressional recess, these thousand-plus page bills severely hamper Congress's ability to deliberate. Once a proposal is sandwiched between dozens of others proposals (each with hundreds of provisions), the capacity of Congress to scrutinize policy choices is severely limited—even in the Senate which has greater opportunities for extended debate than the House. Although debate may occur on omnibus measures, the informational value of the debate is severely limited. Mucciaroni and Quirk, moreover, conclude that policy mistakes are more likely when measures come to the floor within an omnibus bill. The more deliberation is squeezed on the chamber floors, the worse the prospects for effective short and long-term problem solving.

Fourth, politicization of the policy making process that has accompanied partisan polarization has placed Congress under immense time pressures and has fractured members' attention. The politicized character of Capitol Hill today squeezes traditional legislative norms of comity, restraint, and expertise—norms that likely increase members' abilities to conduct civil and informative debate. The incentive and the capacity to solve both short and long-term problems are direct casualties of a politicized congressional environment.

Conclusions

Imposing costs today to secure benefits in the future rarely holds much political appeal. All of the barriers to promoting the immediate general welfare are inherited by and compounded for legislators seeking to address future problems. Granted, legislators have the means of solving public problems in a way that both secures gains and imposes costs. Coalition leaders can and do exploit their leverage over institutional rules to weaken the traceability of policy effects back to legislators' votes.

Can we say the same for long-term problem solving? The political, institutional and policy barriers faced by legislators in seeking to address future problems makes long-term problem solving more difficult than addressing today's problems. Congress has had some success in addressing future funding problems by insulating program financing in federal trust funds. So long as legislators have more to gain from future program security than from budget flexibility, trust funds may be a particularly attractive solution for encouraging legislators to act today on long-term challenges.

Ultimately, Congress's ability to legislate for the future will depend on leaders' creativity in designing policy solutions that provide a platform for taking credit, a plausible strategy for avoiding blame, and an institutional mechanism for making binding commitments for the short and longer term. Such harnessing of legislators' incentives in creative institutional ways is one plausible avenue for encouraging long-term problem solving. Otherwise, Congress is likely to wait until future problems become present crises before mobilizing support for reform. In an environment of polarized parties, however, the deliberation necessary to craft and secure such solutions may be in tight and declining supply. Fostering deliberation in Congress is a necessary step to rebuild Congress's incentive and capacity to legislate for the future.

Notes:

[i] Patrick O'Connor, "Legislating for November." *The Hill*, July 26, 2006.
[ii] On blame avoidance, see R. Kent Weaver, "The Politics of Blame Avoidance," *Journal of Public Policy* 6 (1986), 371-98.

[iii] On the politics of pain imposition, see Leslie A. Pal and R. Kent Weaver, Eds. *The Government Taketh Away* (Georgetown University Press, 2003).

[iv] Edward Tufte, "Political Control of the Economy," (Princeton University Press, 1978), p. 143.

[v] Douglas Arnold, *The Logic of Congressional Action* (Yale University Press, 1989).
[vi] Gary Cox and Mathew McCubbins*, Legislative Leviathan* (University of California Press, 1993).

[vii] Diana Evans, *Greasing the Wheels* (Cambridge University Press 2005).
[viii] My thoughts on deliberation in this section are influenced strongly by two recent works: Gary Mucciaroni and Paul J. Quirk's *Deliberative Choices* (University of Chicago Press 2006) and Paul J. Quirk, "Deliberation and Decision-making," in *The Legislative Branch*, Paul J. Quirk and Sarah A. Binder, Eds. (Oxford University Press, 2005).
[ix] See Quirk, "Deliberation and Decision-Making," p. 325.
[x] Terry M. Moe, "Political Institutions: The Neglected Side of the Story." *Journal of Law, Economics, and Organization* 6(Special issue): 1990, p. 227.

[xi] See Eric Patashnik, *Putting Trust in the U.S. Budget* (Cambridge University Press 2000).
[xii] This section draws from two recent works on budget windows: Alan Auerbach, "Budget Windows, Sunsets, and Fiscal Control*." NBER Working Paper* 10694 (August 2004), and Robert Keith and Bill Heniff, Jr. "PAYGO Rules for Budget Enforcement in the House and Senate*." CRS Report for Congress*. RL32835, May 3, 2005.
[xiii] PAYGO does not explicitly prohibit consideration of such legislative measures. PAYGO instead establishes a point of order against such measures that can only be waived by supermajority vote of the Senate. Given the high hurdle of attaining 60 votes, the PAYGO rule is considered to prevent consideration of such measures.
[xiv] Auerbach, p. 2.
[xv] The history and politics of OTA are explored in Bruce Bimber, *The Politics of Expertise in Congress* (SUNY Press, 1996).
[xvi] See Morris Fiorina, "Parties as Problem Solvers." In Alan S. Gerber and Eric M. Patashnik, Eds. *Promoting the General Welfare: New Perspectives on Government Performance* (Brookings Institution Press 2006), p. 245.
[xvii] See Mucciaroni and Quirk.
[xviii] Mucciaroni and Quirk, p. 188.