

# Season 26



## Debating the 2025-2026 NCFCA Policy Resolution

*The United States Federal Government should significantly reform Congress*

### Table of Contents

<b>REFORMING CONGRESS: CURRENT ISSUES</b> .....	<b>2</b>
THE HOUSE OF REPRESENTATIVES .....	3
ELECTIONS .....	7
CAMPAIGN FINANCING .....	7
RULES & PROCEDURES .....	8
ETHICS & ACCOUNTABILITY .....	9
COMPENSATION .....	10
LOBBYING .....	11
BUDGET PROCESS .....	12
GENERIC ISSUES .....	15

# Reforming Congress: Current Issues

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South Carolina Sen. Preston Brooks beats up Massachusetts Sen. Charles Sumner with a cane on the floor of the US Senate on May 22, 1856, due to tensions over the issue of slavery.

Asking Congress to reform itself may seem like an impossible task. But, short of a revolutionary overthrow of the government or a constitutional convention, they're the only ones who can possibly do it. If you think today's Congress is full of divided, hyper-partisan, corrupt buffoons, worse than any before it, look at the picture above and think again. Remembering that this resolution asks us to reform Congress itself (not to change policies Congress is enacting), and to do it without amending the Constitution, this chapter will explore current issues and a few of many proposals for change that could be debated under this year's resolution.

## The House of Representatives

### Size

The size of the House of Representatives has been fixed at 435 for a little more than a century now. Voting representation for non-state territories like DC and Puerto Rico cannot be granted without a constitutional amendment, so we can't address those with Affirmative plans this year. However, the size of the House could be altered by a simple act of Congress to provide more representation to the states (or to reduce it, if anyone thinks the House is too large).

The US population has tripled since the House size was fixed at 435, which means each representative is supposed to be responsive to three times as many people today as back then. It's axiomatic that a representative who represents a few can stay in touch with them, communicate with them, and truly understand them better than someone representing a large number. Is it appropriate that the House hasn't grown as the US population has grown?

The British House of Commons, their parallel to our House of Representatives, has 650 members representing 68 million people, about 1/7 as many people per representative as we have. Is this a problem? If so, what should be done? More seats can be added, but then how do we allocate them? At what point does the House get too big to function properly? For us to mimic the British model, we'd need around 3000 members to match the population ratio. Does anyone think that's feasible? And then the US population would continue to grow following that.

## Apportionment

Methods of counting the number of representatives each state should get can result in different results. Regardless of the census results, every state gets one representative at the start, no matter how small its population may be. Wyoming currently has the smallest population of any state and California has the largest. Once one representative has been allocated to every state,

that leaves 385 to be allocated by population (435-50=385).

### What is the Problem?

$$\begin{aligned} \text{quota}_{CA} &= \frac{\text{population of CA}}{\text{population of USA}} \times \text{house size} \\ &= \frac{33,930,798}{281,424,177} \times 435 = 52.447 \end{aligned}$$

$$\begin{aligned} \text{quota}_{UT} &= \frac{\text{population of UT}}{\text{population of USA}} \times \text{house size} \\ &= \frac{2,236,714}{281,424,177} \times 435 = 3.457 \end{aligned}$$

The above figures are from the 2000 census, and the official apportionment is

$$\text{apportionment}_{CA} = 53$$

$$\text{apportionment}_{UT} = 3$$

The problem is here in the remainders. California had 52 plus a remainder of .447 and got an extra seat with the "447" being enough to qualify.

But Utah had 3 plus a remainder of .457, just slightly higher remainder than ".447," yet they didn't get a 4th seat for that higher remainder.

Based on these numbers, Utah deserved to have seat #4 more than California deserved to have seat #53.

While that sounds simple, there are a number of different mathematical formulas that can be used to do this, and the Constitution is silent on which method to use. The problems and methods are complicated, and we cannot explain them all here. But here's

one example from the 2000 census showing how the current method apparently gave California a House seat unjustly at the expense of Utah.<sup>1</sup>

Affirmatives might want to propose alternative mathematical formulas that produce more fair outcomes. The challenge is that each of these methods also may have other ways of producing "unfair" outcomes, although it might take a mathematician to explain why.

## Gerrymandering

State legislatures draw the boundary lines of congressional districts, and the federal government has no direct say in where those lines are. Congress cannot pass a law telling Georgia, for example, to change a boundary line on its congressional district map.

<sup>1</sup> David Housman, "Mathematics of Congressional Apportionment" [https://www.goshen.edu/wp-content/uploads/sites/27/2015/05/2000AAAS\\_Apportionment.pdf](https://www.goshen.edu/wp-content/uploads/sites/27/2015/05/2000AAAS_Apportionment.pdf)

## REFORMING CONGRESS: CURRENT ISSUES

However, there are two ways the federal government can reduce, eliminate, or mitigate the harms of gerrymandering, if indeed it is harmful (some believe it's not). Both Congress and the Supreme Court have power to enact policies in this area.

First, there are federal court decisions that have regulated how the states can draw district lines. For example, the Supreme Court ruled in 1964 that congressional districts must be approximately equal in population size, and federal courts have accepted a maximum of around 10% variation.

Two Supreme Court decisions in the 1990s ruled that race cannot be the predominant factor in creating congressional district boundaries. Federal courts can look at district maps drawn by state legislatures and declare them invalid on the grounds of racial gerrymandering. But creative political operatives have found ways to get around this. And maybe these cases were wrongly decided? Since the Supreme Court is part of the federal government, Affirmatives can reverse these rulings for a policy change.

By contrast, the Supreme Court ruled (*Rucho v. Common Cause*, 2019) that gerrymandering based on partisan (political party) considerations, unlike racial considerations, can be done without interference, or interruption from the federal courts. So, if partisan legislators draw a congressional districting map with boundaries based on race, federal courts will uphold challenges against it. But if those same legislators draw boundaries knowing where registered voters live based on their party affiliation, the federal courts will let them do it, even if the results seem biased to neutral observers, if any such observers exist.

A further nuance to this ruling happened in the 2023 North Carolina case of *Moore v. Harper*. The N.C. state legislature had drawn a gerrymandered map based heavily on partisan considerations. It was challenged in a case brought before the N.C. state Supreme Court. Advocates for the map argued that the US Constitution grants exclusive authority to the states' legislatures and prevents review by state courts, and the NC Supreme Court agreed. The US Supreme Court, when it got the case, disagreed and ruled that state legislatures are subject to state court review when they do partisan gerrymandering. While partisan gerrymandering may not violate the federal constitution<sup>2</sup> (and therefore is not reviewable by the US Supreme Court), it may indeed violate a state's constitution and thus can be reviewed by a state's Supreme Court.

The federal government could abolish all possibility of gerrymandering by repealing the federal Uniform Congressional District Act of 1967 and replacing it with a requirement for all House

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<sup>2</sup> Under current Supreme Court rulings. Affirmative debaters, of course, have the ability to change that by reversing those court rulings, without a constitutional amendment being necessary.

## REFORMING CONGRESS: CURRENT ISSUES

members to be elected “at large” (by vote of the entire state) like Senators are today. If they simply did that, each state’s delegation would most likely be uniformly made of representatives coming from the political party that had 51% of the voters statewide. This could be even worse than gerrymandering, which at least lets a few of the minority party’s members get elected in a state, even if it’s not proportional to that party’s voting strength. For example, a state with 60% of its voters of the Blue Party and 40% of the Red Party might have district lines drawn by the Blue party to maximize Blue representation. If the state gets 10 representatives in the House, the Blue Party could probably draw the lines in a way to get 8 out of the 10 representatives from their party. But in an at-large election, those 60% Blue Party voters would vote for 10 representatives of their party, and the state would send 10 Blue Party representatives to the House. The Red Party, currently disadvantaged by gerrymandering, could be disadvantaged even further without it. Their 40% of the voters would go from having 20% of the delegation to zero.

But this problem could be solved by another adjustment: Proportional Representation (PR). In a PR system, the goal is for the legislature to have its members represent as closely as possible the political alignment of the voters. Instead of representing small districts of land within the state, representatives would represent the ideology of their parties throughout the entire state. Voters would vote at-large, not for someone to represent their local land area, but for someone to represent their ideology or party.

In the example above, where the state will elect 10 representatives at-large, the results of a PR election would send 6 representatives from the Blue Party and 4 from the Red Party, in proportion to their voting strength. And if a new party were to form or an existing third party picked up support and got close to 10% of the vote, the small party might be able to pick up one seat at the expense of one of the two major parties. In fact, PR might create an incentive for people to abandon the two major parties and vote for a smaller one that more accurately represents their views. The smaller parties now would have a reasonable chance to get someone of their persuasion elected rather than being overwhelmed by the majority vote rules of the traditional two party system, which make it very hard for third parties to get traction in the US today.

A system like this could be implemented with federal legislation and without a constitutional amendment. It may have any number of advantages or disadvantages that could be debated, but there is a lot of advocacy for it in the published literature. The majority of countries in the world today that have democratically elected legislatures use some form of PR to elect them.

## Elections

One can certainly debate whether many of the proposed reforms of election procedures would truly be a reform of “Congress” itself. Negative teams should challenge in-round: What would be different about Congress itself post-plan following an Affirmative ballot? If nothing, then the plan isn’t topical.<sup>3</sup>

We can expect Affirmative plans that regulate congressional elections themselves using the powers granted to Congress under Article 1 Section 4 regarding “times, places and manner of holding elections.” And we noted above, they have done so with mandating single-member districts. They have also mandated a uniform election day nationwide, as the first Tuesday following the first Monday in November.

During Reconstruction following the Civil War, Congress passed laws attempting to uphold the rights of newly enfranchised black citizens. Further legislation generations later, for example the Voting Rights Act of 1965 (which has been described as the most effective civil rights legislation ever enacted), made more efforts to mitigate remaining barriers to black citizens’ participation in the election process. Some of these have been rolled back due to the belief that they are no longer needed (for example, in the Supreme Court case of *Shelby County v. Holder*, 2013), but advocates against these rollbacks and for greater protection exist today and might recommend policy changes that could be considered.

Other “time, place and manner” rules about elections include things like requiring an ID to register or to vote, and allowing all eligible voters to vote by mail in congressional elections. I’m not necessarily endorsing these as complying with the resolution, but merely reporting that these issues are out there and you may encounter them.

## Campaign Financing

“Too much money involved in our elections” is a perennial concern among legislators, commentators and policy debaters. The Supreme Court’s 2010 *Citizens United* decision remains controversial and there could be any number of ways and schemes to reform congressional election campaign financing to overcome it.

Affirmative debaters could certainly argue that *Citizens United* was wrongly decided, and that the restrictions on campaign finance it overruled should be reinstated and that the decision should be

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<sup>3</sup> For example, if voters showed up at the polls with a photo ID under a new policy, what would be different about Congress the following year?

## REFORMING CONGRESS: CURRENT ISSUES

overturned. An Affirmative ballot could have Congress re-enact the legislation and have the dissenters' views (4 out of 9 judges) prevail by having the Supreme Court uphold it this time.

Another way to reduce the influence of “big money” in congressional elections (assuming we need to) without running afoul of Supreme Court decisions or the 1<sup>st</sup> Amendment is public financing of campaigns. New York City, for example, has a public financing matching policy, whereby candidates for local elections can get taxpayer funding for six times the value of every private donation of up to \$175. Such a policy ostensibly magnifies the voice of small donors and allows them to compete with wealthier contributors for influence in the election process.

“Another solution to reduce corrupting conflicts of interest is to prohibit members of Congress from receiving campaign donations from entities overseen by the committees on which the members sit. Exceptions could be made for donations from rank-and-file employees, small businesses, and people who live in a candidate's district or state, among others. For example, if a senator sits on the Senate Armed Services Committee, she generally would be banned from accepting campaign contributions from defense contractors. Members of Congress receive huge fundraising hauls—up to half of all their campaign money—from industries and groups under the jurisdiction of their committees. At the same time, regulated entities with major financial stakes riding on the decisions of Congress have a serious financial incentive in getting committee action, or inaction, favorable to their interests, even when it runs counter to the public interest.”<sup>4</sup>

## Rules & Procedures

The most famous rule in Congress that everyone talks about reforming is the Senate filibuster. It was not part of the Founders' instructions in the Constitution and is, arguably, used to frustrate the process of those elected by the voters to do the will of the people. Some reforms to it have already been made, and the Republic did not collapse. Perhaps others are in order. Some have suggested abolishing the filibuster altogether. Others suggest keeping it, but requiring that the filibuster be performed as it was back in the good old days: by someone actually standing up there on the Senate floor talking around the clock. Perhaps it's too easy today under the current rules to just say that you want to filibuster and the bill is sidetracked. Another reform would be to reduce the vote from 60 to 55 Senators required to end a filibuster.

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<sup>4</sup> Michael Sozan and William Roberts, 2019. <https://www.americanprogress.org/article/10-far-reaching-congressional-ethics-reforms-strengthen-u-s-democracy/>

## REFORMING CONGRESS: CURRENT ISSUES

There are a number of other miscellaneous procedural reforms that have been proposed that might be of interest to debaters. Here is a small sampling:

- “Re-establish the Select Committee on the Strategic Competition between the United States and the Chinese Communist Party with a new investigative jurisdiction”<sup>5</sup>
- “Allow nongovernmental witnesses, subject to majority leader approval and pursuant to regulations submitted by the chair of the Committee on Rules, to appear before a committee in a remote capacity”<sup>6</sup>
- “Offering amendments is a crucial way for Members of Congress to represent their constituents, but over the last few decades both parties have clamped down on opportunities to amend bills in the House. To promote the amendment process, the House should require a supermajority to limit amendments.”<sup>7</sup>

## Ethics & Accountability

Congressional ethics is often considered a term similar to “married bachelor” – a self-contradictory oxymoron. Our generation has its share of concerns and doubts about the corruptibility of Congress, rightfully so, but so have past generations. Several areas of accountability and ethical reform are proposed in the literature today.



One of the most frequently discussed reform involves stock market trading by members of Congress. They often receive inside information (or create it themselves by knowing what bills they are voting on ahead of everyone else) and are able to trade stocks early to their advantage before information becomes publicly known. They also have the ability to influence public policy in a direction that would benefit their existing investments, a conflict of interest to their responsibility to enact public policy for the benefit of their state and the nation as a whole. While it’s not illegal for members of Congress to trade individual stocks, as long as they file the necessary disclosures afterwards, maybe it should be.

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<sup>5</sup> <https://www.congress.gov/crs-product/R48466#:~:text=Under%20Article%20V%20of%20the,published%20in%20the%20Congressional%20Record.>

<sup>6</sup> <https://www.congress.gov/crs-product/R48466#:~:text=Under%20Article%20V%20of%20the,published%20in%20the%20Congressional%20Record.>

<sup>7</sup> <https://www.congressionalinstitute.org/whitepapers/#:~:text=Budget%20Process,-Everyone%20Seems%20To&text=Changing%20the%20beginning%20of%20the,Congress%20to%20complete%20its%20work.>

## REFORMING CONGRESS: CURRENT ISSUES

Attendance – the simple act of showing up to do one’s job – is a big issue in the regular workforce, and perhaps it should be in Congress too. When I was working for private companies, if I had missed as many days as some Congress members miss, I’d have been fired quickly. Affirmatives might want to propose plans that mandate some inducements or penalties to motivate Congress to

show up and vote on legislation when they’re supposed to.

Missed Votes		
The percentage of votes each legislator missed in the 118th Congress.		
All Senators		
most absent		
#1	47.8%	Sen. Schiff [D-CA, 2024-2030]
#2	22.1%	Sen. Vance [R-OH, 2023-2025]
#3	21.6%	Sen. Scott [R-SC, 2013-2028]
#4	21.2%	Sen. Fetterman [D-PA, 2023-2028]
#5	16.8%	Sen. Barrasso [R-WY, 2007-2030]
#6	14.1%	Sen. Manchin [I-WV, 2010-2024]
#7	12.8%	Sen. Rubio [R-FL, 2011-2025]
#8	12.5%	Sen. Braun [R-IN, 2019-2024]
#8	12.5%	Sen. Hagerty [R-TN, 2021-2026]
#10	11.2%	Sen. Cramer [R-ND, 2019-2030]

<https://www.govtrack.us/congress/members/report-cards/2024/senate/missed-votes>

In addition to changing ethical rules, we might also look to changing procedures, if there are missing safeguards or failing processes that aren’t catching ethical violations fast enough. For example, some believe the Senate Ethics Committee isn’t doing an effective job overseeing the ethics of its body. One proposal is the creation of an independent ethics committee<sup>8</sup>, which would

have non-Senators watching over the behavior of the Senate. The House already has an Office of Congressional Ethics,<sup>9</sup> which contains outside members (not sitting Representatives), and does its own investigations. It then refers its findings to the House Ethics Committee, which can then actually start the process of disciplinary action (because only the House can discipline its own members; no outside committee can do so).

## Compensation

Salaries for members of Congress haven’t been raised in over 15 years. There’s probably no other job in this country whose pay scale hasn’t increased in that time. Considering the amount of work and responsibilities they have, maybe it’s time for them to consider voting themselves a raise.

“Under law, the salary of Members of Congress are set for an automatic annual cost-of-living-adjustment (COLA) increase unless Congress votes to not accept it. Since 2009, the COLA increases have been denied, leaving the salaries of rank-and-file legislators serving in the US Congress at \$174,000 annually.”<sup>10</sup>

<sup>8</sup> <https://campaignlegal.org/update/crypto-political-fundraising-raises-questions-about-senate-ethics-committee-efficacy>

<sup>9</sup> Although some question its effectiveness and argue that it needs to be reformed too. <https://www.americanprogress.org/article/10-far-reaching-congressional-ethics-reforms-strengthen-u-s-democracy/>

<sup>10</sup> <https://www.ntu.org/foundation/tax-page/congress-pay-perks>

## REFORMING CONGRESS: CURRENT ISSUES

Other areas of compensation that could be considered for reform are:

- Budgets for congressional staff
- Health insurance costs and benefits
- Postage costs and “franking” privilege
- Retirement pensions

## Lobbying

A number of proposals to limit the influence of lobbyists or to limit the behavior of Congress members with regard to lobbying can be found in the literature. Examples include:

- Lifetime ban on members of Congress from ever representing a foreign government or foreign entity.
- Better funding for congressional staff.

“Budget cuts have adversely affected members’ offices, committees, and expert offices such as the Congressional Research Service and Congressional Budget Office. This

After Sen. John McCain’s (R-AZ) death in 2018, former Sen. Jon Kyl (R-AZ) used the “revolving door” twice: First, he left his powerhouse lobbying firm to fill McCain’s seat, then, within months of his appointment, Kyl resigned from the Senate and returned to his lobbying firm without any cooling-off period.<sup>10</sup>

<https://www.americanprogress.org/article/10-far-reaching-congressional-ethics-reforms-strengthen-u-s-democracy/>

dynamic, coupled with low pay and long hours for staff, which cause high turnover, has weakened institutional expertise and capacity. At the same time, corporate interests regularly deploy an army of

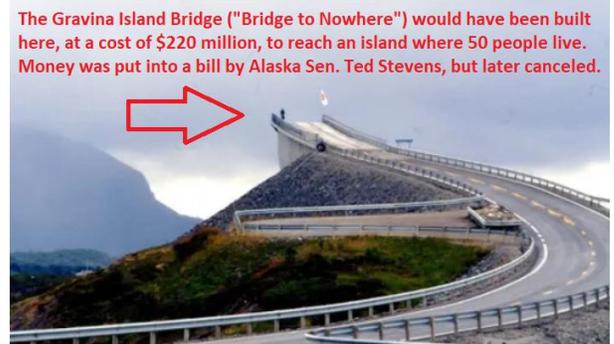
lobbyists across all policy areas that outnumber members of Congress and staffers combined. This dangerous imbalance has created a vacuum that leaves Congress strained and dependent on outside help as it seeks to craft legislation.”<sup>11</sup>

- Ban lobbyists from fundraising for members of Congress.
- Stop the “revolving door.” This is where members of Congress and their staff get lobbying jobs immediately or shortly after leaving Capitol Hill. Sometimes they are negotiating job offers while they are still in office.

<sup>11</sup> <https://www.americanprogress.org/article/10-far-reaching-congressional-ethics-reforms-strengthen-u-s-democracy/>

## REFORMING CONGRESS: CURRENT ISSUES

“Existing rules do not go far enough: Senators are subject to only a two-year ban on lobbying Congress, and members of the House, as well as selected senior staffers, are subject to a one-year ban.”<sup>12</sup>



## Budget Process

Everyone would vote for a plan that says “Congress should do a better job passing budgets on time.” That’s a policy outcome rather than a reform of Congress itself, and it’s hard to figure out what actual reform of Congress would ensure that desired outcome. Affirmative debaters can fiat policies and procedures, but they cannot fiat outcomes. Spending money is one of the biggest things Congress does, so it is one of the most vulnerable policy areas to partisan squabbling and gridlock. No Affirmative team can fiat that the political parties stop stonewalling the process or stop hating each other.

Congress can set deadlines for itself, but it can always ignore the deadlines because there’s no way to force Congress to do anything at any certain time. There have been a few things Congress has done to try to improve its budget process, however.

One such improvement was the abolition of earmarks around 15 years ago. Earmarks are unique add-ons into federal spending that members of Congress request to do special projects in their home state or district, which are above and beyond the normal budget. The most famous was the “Bridge to Nowhere,” which planned to allocate \$220 million to build a bridge to an island in Alaska where 50 people live. The project was canceled when details of the waste hit the media, but Alaska Sen. Ted Stevens’ advocacy for it was not unusual, since it was a typical earmark that members of Congress put into bills all the time.

Earmarks appear to be making a comeback recently, as Congress is now opening up the doors for members to submit requests for special projects.<sup>13</sup> Despite their unpopularity with the media and the public, some argue that earmarks are not a bad thing and that they should be brought back.<sup>14</sup>

Another area possibly ripe for reform is the process of “authorizations” and “appropriations.”

<sup>12</sup> <https://www.americanprogress.org/article/10-far-reaching-congressional-ethics-reforms-strengthen-u-s-democracy/>

<sup>13</sup> <https://lofgren.house.gov/FY25-appropriations>

<sup>14</sup> <https://www.congressionalinstitute.org/2016/09/15/the-case-for-earmarks-were-they-really-that-bad/>

## REFORMING CONGRESS: CURRENT ISSUES

“House rule XXI, section 2(a)(1) says:

*An appropriation may not be reported in a general appropriation bill, and may not be in order as an amendment thereto, for an expenditure not previously authorized by law, except to continue appropriations for public works and objects that are already in progress.*

Senate rule XVI, section 1 says:

*On a point of order made by any Senator, no amendments shall be received to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation, unless it be made to carry out the provisions of some existing law, or treaty stipulation, or act or resolution previously passed by the Senate during that session; or unless the same be moved by direction of the Committee on Appropriations or of a committee of the Senate having legislative jurisdiction of the subject matter, or proposed in pursuance of an estimate submitted in accordance with law.”<sup>15</sup>*

To put it simply, the House and Senate rules (not the Constitution) require that congressional spending must come from an appropriation bill, and that appropriation must apply to a previous authorization for some program that was already enacted into law by Congress. In other words, the rules of Congress require spending to happen in a two-step process: First, authorization. Second, appropriation.

Except when it doesn't. Congress routinely votes to ignore its own rules and just go ahead and appropriate money when something comes up that they didn't previously “authorize.” It's not unconstitutional, just, an Affirmative might argue, unwise. Appropriations without authorizations are like impulse buying at the grocery store. The right way to go shopping is to make a shopping list in advance, and then when you get to the store, buy only the things on the list. That's “authorization plus appropriation.” But once you get to the store, you see things suddenly that you want, so you grab them off the shelf and pay for them, somehow, maybe with deficit spending (credit cards) or canceling something that was on your shopping list. That's the “appropriation without authorization.” One proposal for change is the Unauthorized Spending Accountability (USA) Act, which would create a mechanism with automatic cuts to programs that don't follow the two-step process.

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<sup>15</sup> <https://www.congressionalinstitute.org/2017/10/19/fixing-the-authorization-process-restoring-checks-and-balances/>

## REFORMING CONGRESS: CURRENT ISSUES

In its defense, sometimes Congress bypasses the two-step process in order to quickly get money out the door to fend off a government shutdown. If Congress can't agree on the authorizations by voting on a budget bill before the old budget expires, they may have to just rush through some appropriations to fund existing programs at some default level of funding to keep the doors open.

“The fact that appropriations are unauthorized might seem like a parliamentary triviality, but authorization bills provide instructions to agency officials. In the absence of authorizations, bureaucrats have greater influence over how an agency will carry out the its mission – and if the committee persists in its failure to pass authorizations, an agency eventually stops paying much attention to it. Although there may be some capable and well-intentioned public servants in the Executive Branch, the Constitution gives the responsibility for setting policy and spending money to Members of Congress, since citizens can hold them accountable at the ballot box.

Aside from setting policy, the authorization process is the key to Congress exercising Executive Branch oversight. In theory, authorizing committees can exercise oversight powers independent of the authorization process, but few things change how an agency is run like the prospect of losing money or being subjected to a grilling at a public committee hearing. Today, with unauthorized appropriations routinely flowing to government agencies, there is no incentive for these agencies to respond to authorizing committees, since these committees cannot turn off their funds if they do not reauthorize and cannot enforce those authorizations.”<sup>16</sup>

There are probably other things Congress could do to improve its budgeting, but many of them (e.g. abolishing or reforming the debt ceiling) are not reforms of Congress but legislation Congress could pass to change budget policy, rather than changing Congress itself. It bears repeating that we need to distinguish between reforming “Congress” and reforming “the legislative output of Congress.” Once that line is crossed, Affirmative ground becomes infinite, and the resolution becomes meaningless.

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<sup>16</sup> <https://www.congressionalinstitute.org/2017/10/19/fixing-the-authorization-process-restoring-checks-and-balances/>

## Generic Issues

Here are some suggested topics for researching generic<sup>17</sup> Negative briefs this year.

**Reform is hopeless / Corruption inevitable.** Congress has passed numerous bills and regulations to rein in corruption, but it just keeps getting worse. Nothing works, let's stop pretending we can fix it.

**Let the voters decide.** Trying to "fix Congress" is a fool's errand (see "hopeless" above) and unnecessary because the Founders already gave us the solution: the ballot box. If members of Congress are incompetent, corrupt or otherwise unworthy, the voters can always "reform Congress" every two years by voting the rascals out.

**Complacency proves success.** If Congress is so "bad," why do most of its members keep getting re-elected? Since the voters decide (see above), if they re-elect these folks year after year, they must be satisfying the electorate and meeting their expectations.

**Money in politics – not a problem.** Campaign finance reform is always predicated on the theory that "money in campaigns" is a bad thing. What if it's not? What if it's merely Americans exercising their 1<sup>st</sup> Amendment right to say what they want to say and to pay for the means of broadcasting that message where they want to, as the Constitution allows? That's not a bad thing.

**Gerrymandering – not a problem.** Often labeled in numerous papers as a terrible problem that needs to be fixed by various schemes, there are some analysts who say it isn't a problem at all. If we don't know in advance what plan an Affirmative is going to use to fix it, we can at least be prepared to argue it doesn't need fixing.

**Existing programs / policies / regulations.** Evidence of all the existing rules and committees enforcing them would be very helpful because Affirmatives often don't check to see what the Status Quo is doing before writing their plans. That's a fatal error, because we already have so many rules on the books that very often what AFF wants to do is already Status Quo policy or the law of the land. If NEG can prove that, it should be a slam dunk NEG ballot. Making something more illegal than it already is doesn't sound like a significant reform of anything.

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<sup>17</sup> "Generic" Negative briefs cover topics that may appear in numerous Affirmative cases and are often used when we don't know in advance what the specific details of the AFF plan will be. They can get us through a Negative round the first time we hear a new AFF case, until we later have time to write a specific on-case NEG brief against it.