

National Small Business Network

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The Need For A More Effective Fourth Branch

It is increasingly clear that if we are going to develop and implement workable solutions to the complex and costly problems facing our nation and our planet, we need a new paradigm where policy solutions are more effectively researched, developed, vetted, and jointly advocated by non-partisan experts as an effective “Fourth Branch” of government.

The last decade has demonstrated the increasing political disfunction of our existing branches of government and their inability to develop workable solutions to today’s national and international issues such as affordable health care, infrastructure replenishment, sustainable energy, climate change, immigration policy, and international resource sharing and peaceful cooperation.

The growing increase in political acrimony and disfunction has made finding effective bi-partisan solutions particularly difficult. However, even if Congress and the Presidency return to traditional behavior norms, the standard three branches of government simply don’t have the resources, capabilities, or organizational structure needed for developing complex and balanced policy solutions. We continue to talk about the same problems year-after-year, but neither Presidents nor the Congress have shown the ability to build the national consensus that will be needed to solve them.

Most of our governmental leaders were not selected because they were great public policy experts. They were primarily elected because of good political, and personality skills. President Trump had never held a governmental office before his election. Most Members of Congress, even those with prior successful careers, lack a good understanding of the diverse range of complex issues they are expected to legislate. And unfortunately, most of the country’s best academic and business leaders do not run for office because they are turned off by the partisan process.

Presidents primarily act by promoting ideas and initiatives, but often lack sufficient staff resources and time to properly research, develop and implement complex legislative solutions, particularly when one or both houses of Congress are under control of the other party. Legislative solutions developed by a President, or by only one party in Congress, are also often opposed by the other party even when they don’t offer better alternatives, as happened with the ACA health care law. Changes to the Presidency can also cause significant policy shifts, or even reversals as we have seen in the last three years. The lack of a longer-term policy consistency can disrupt program implementation, waste budget resources, and add significant non-value-added transition costs for government agencies and programs.

The Congressional process is well structured for making final decisions on legislation, but is not well designed for developing effective solutions to complex issues. We support the recommendations of the Select Committee on the Modernization of Congress and the work of the “No-Labels” coalition, but more basic process change is needed. The pressures of our political process, particularly on the House side, prevent most members from fully understanding big issues. From the first day of their term they inevitably become focused on getting re-elected, and on the “political aspects” of their decisions, as much as on finding the best solutions. Legislation is evaluated by Congressional committees based more on preconceived ideas from their political base or party leadership, rather than on in-depth research and a through, broadly based, vetting process. Even when legislation is negotiated between parties, or between houses of Congress, the process often simply results in trading something one side wants, for something the other wants, rather than developing the most logical and coordinated legislation. Because of the fear of political consequences, members are motivated to support benefits for their political base, but are often unwilling to support raising the taxes needed to pay for them. As a result, scoring games and unrealistic economic impact estimates have resulted in our unsustainable Trillion Dollar plus deficits and \$23 Trillion national debt.

Staff members at the Congressional Committee level often have backgrounds in specific issue areas but they are limited in numbers, limited in time and resources, and limited by the divisions of the political process from being able to develop balanced legislative solutions. Congressional Member’s office staffs are usually overworked, and focused more on day to day process details, as well as trying to keep their bosses looking good and their jobs secure. Bills are often drafted by small groups of staffers, usually with little coordination from staff of the other party, or even with staff of the same party from the other house of Congress.

Our third branch of government, the Federal Courts, is limited on policy issues to specific case adjudication, and is overloaded just trying to clarify or correct the often incomplete or imperfect work of the Executive and Congressional branches.

Building an effective “Fourth Branch”

The seeds of an effective “Fourth Branch” are already in place in the hundreds of nonprofit governmental policy organizations, university research and policy institutes, business association research foundations, and governmental research groups. Unfortunately, their research findings and recommendations are currently presented at different times, with different focus, and usually in small forums or limited readership publications which limits their influence on decision makers. Recommendations are also usually presented in “academic” formats rather than in actionable language that can be clearly understood and efficiently implemented in legislation.

What these diverse groups lack to be more effective, is a structured process of coordinated research, joint policy development, broad based vetting, and coordinated advocacy to expand the research capabilities and policy impact of each organization.

To grow in effectiveness, representatives of these varied organizations need to start working together to create a voluntary umbrella group for sharing and coordinating their research and policy development activities, starting with some of the larger policy research organizations.

The combined research-based recommendations of all the groups will have a much wider reach and greater influence than each group working alone.

To be effective, all participating organizations should be asked to agree to some basic principles including:

- A commitment to non-partisanship and proactive cooperation.
- A commitment to a “scientific process” of policy development based on in-depth research of the facts, coordinated sharing of data and policy development options; rigorous vetting and testing of potential solutions with a broad base of other groups; and regular re-evaluation of recommendations based on experimental evidence of effectiveness.
- A commitment to a fact-based “business process” decision making structure, including a complete analysis of potential long-term costs and benefits and detailed options for off-setting revenue, in order to reach agreement on mutually supportable policy recommendations.
- A commitment to transparency of organizational funding and activities, including clear disclosure of any potential conflicts of interest.

An overall coordinating structure would be important because all issues have some common, potentially conflicting, elements such as funding availability that will require resolution or prioritization. Initial organizational participants, probably from the larger organizations, would need to determine requirements for representation at the joint coordination level, as well as a shared funding formula for basic administration and educational expenses, since the programs should be self-funding.

Issue specific working groups should then be formed for each major issue category or initiative. Many researchers and organizations are focused on single issues and may only choose to participate in one or two issue groups. Working groups would start by identifying and coordinating all the issue research that has been done by the participating organizations and other groups. They could then start a process of identifying what additional issues need to be researched and coordinate a process for gathering and distributing that information. Appropriate staff from the Government Accountability Office, Congressional Research Service, Office of Technology Assessment, Congressional Budget Office and professional staff from appropriate agencies should also be invited to participate and share relevant information.

Policy Summits should then be held at least annually in Washington for each working group to share information and start to develop balanced policy recommendations, along with the detailed research data to support them. Members of Congress, the Administration, prior government officials, and appropriate governmental agency professional staffs should also be invited as key participants.

The Policy Summits, like annual scientific and medical research conferences should be self-funding and provide an opportunity to share the best research and policy recommendations with all interested parties. Using that data participants should then be provided a structured discussion and decision-making process to develop policy recommendations for effective solutions.

Model legislation, model budgets, and draft regulations should then be developed by staff experts for review at following Summits and for submission, after vetting, to the coordinating group process for coordinated advocacy. Washington is filled with experienced legislation experts, and providing detailed legislative language, hopefully introduced in Congress by a bipartisan group of sponsors, could reduce the taint of partisanship and jump start the implementation process. Individual organizations would not have to support all policy solutions developed by the process, but hopefully would see the value of coordinated advocacy.

The Administration and Congress would then have a non-partisan starting point for legislative solutions on major issues developed by, and supported by, a balanced group of issue experts and organizations. The Administration and the Congress could then do what they are best structured to do - debating, prioritizing, funding, and implementing of legislative or regulatory solutions. Although there may be some initial push-back from party leadership on the reduction in partisan control of the policy development process, most members will probably appreciate having the non-partisan expert basis for making good long-term decisions.

This paradigm change could start now with discussions between the largest current policy research and education organizations who have already shown an interest in governmental reform. Based on those discussions, the interested organizations might form a joint coordinating workgroup to resolve process issues and start to identify other potential participating organizations.

Organizations which we have identified as logical for inclusion in initial discussions include: The Brookings Institution; The Committee for a Responsible Federal Budget and their FixUs initiative; The Bipartisan Policy Center and their Congress That Works initiative; the No Labels initiative; The Center for Strategic & International Studies; The Cato Institute; The Center for American Progress; The Rand Corporation; The Center on Budget and Policy Priorities; The Third Way; The National Bureau of Economic Research; The Urban Institute; The Aspen Institute; The Economic Policy Institute; The Woodrow Wilson International Center; The Hoover Institution; and The American Enterprise Institute among others.

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