

CONGRESSIONAL FELLOWSHIP PROGRAM

The Value of the APSA Congressional Fellowship in an Era of Dysfunction

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The 61st class of the APSA's Congressional Fellowship Program arrived last November, shortly following the end of the 16-day federal government shutdown that headlines the list of reasons why some have called this the "worst Congress ever" (Bolton 2014). Criticisms of Congress have become commonplace, both from outside the institution and from its current and former members.¹ Therefore, it is not surprising that the American public holds Congress in such low esteem, with an approval rating of 15 percent in the latest Gallup poll (Gallup 2014). And while the views of Congress are bleak, political scientists like Mann and Ornstein (2012a) go one step further by arguing, "it's even worse than it looks."

Despite these critiques, we argue that there is much to learn about the institution by working within it. While the second session of the 113th Congress has been short on legislative accomplishments to date, it would be inaccurate to say that nothing of interest has happened. We argue that political scientists can still find a great deal to interest them in Congress, provided that they take a broad view of legislative success, acknowledge the policy activity that does take place even in a dysfunctional environment, and pay attention to the important business of building constituent relationships. In this essay, we address each of these points from the standpoint of our experience on Capitol Hill.

A BROAD VIEW OF LEGISLATIVE SUCCESS

We don't quarrel with the notion that the current Congress has been an especially unproductive one in terms of passing a large number of laws. And indeed, a Congressional Fellow in the current climate would be extraordinarily misguided to think she will, during her brief tenure on Capitol Hill, work directly on numerous pieces of legislation that will be immediately signed into law.

But, of course, political scientists and scholars of public policy already know that this is not the proper way to define legislative

success or progress. This was highlighted recently when David Farenthold (2014) of the *Washington Post* confronted retiring Rep. Rob Andrews (D-NJ) with the accusation that, since he had not sponsored any legislation that became law, he was somehow unsuccessful or unproductive. Andrews fired back, "I'm Just a Bill on Capitol Hill' is not the way this works. Freestanding bills almost never happen... You should ask yourself how many of the ideas that were a seed planted in the bill that germinated in a larger bill. That's the way this really works."

Representative Andrews echoes the work of political scientists John Wilkerson and Nick Stramp and computer scientist David Smith, who have researched legislative success. Legislative success is not about a raw number of bills passed, but about shepherding ideas through a challenging and arduous legislative process (Wilkerson, Stramp and Smith 2014). These findings build on John Kingdon's classic work on policy process, which emphasizes ideas as the unit of analysis. As Kingdon argues, policy ideas often exist, "floating around," for a long time before the stars (or "streams," in his terminology) align in such a way that allows them to become law. Kingdon refers to an idea's time in legislative limbo as a period of "softening up," during which actors in the relevant policy community become accustomed to the idea. Without a period of softening up, an idea will not be ripe for serious consideration when the opportunity arises (Kingdon 1984).

This certainly accords with our brief experience of the legislative process. For example, many proposed amendments to larger legislative vehicles are essentially copies of stand-alone bills that members of Congress have already introduced and promoted, and that have attracted cosponsors, often over the course of several congresses. This sort of softening up does not guarantee success for the amendment, nor is it absolutely necessary in all cases, but it clearly helps pave the way. An interest group that comes to a congressional staffer (even a sympathetic one) with an idea to be attached to a moving legislative vehicle is likely to be asked, "Is there a bill?" If there is, they will be asked how many cosponsors there are, what outside organizations have endorsed it, and a slew of similar questions.

There is a good reason for this. Congressional staffers are intelligent and capable, but on any particular issue, few are subject matter experts able to instantly distinguish good policy ideas from bad ones. Even those who could do so would lack the relevant political information – who supports or opposes this idea? A politically savvy staffer could game out political scenarios in his head, but

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if he is in his right mind he will want to be sure about whom a legislative proposal will please and whom it will anger before he advises his boss to support it as an amendment. The softening up process allows legislators, policy experts and interest groups to vet a proposal, bringing greater clarity for staffers. Staffers, including Congressional Fellows, who work on introducing pieces of legislation that “will go nowhere” are not necessarily wasting their time. They are participating in very real and important legislative work.

CONTINUED ACTIVITY AMID THE DYSFUNCTION

This legislative work has resulted in the passage of several key pieces of legislation during the 113th Congress and the beginnings of a return to regular order in the Senate. After years of negotiations between the parties and stakeholders, Congress passed a Farm Bill in February of 2014. As of this writing, legislation reforming the Veteran’s Affairs health system and revamping federal workforce development programs have cleared both chambers of Congress and are moving toward passage. Legislation to renew the Child Care Development Block Grant, which has not been reauthorized since it was passed in 1996, passed the Senate and hearings are being held in the House. And in an effort to avoid another costly government shutdown, Congress avoided political brinkmanship and passed a budget for 2014, appropriated funds for the federal government through September, and passed a clean bill to raise the debt ceiling through 2015.

Beyond these bills, there has been other important policy activity, legislative and otherwise, on Capitol Hill. For example, after months of pressure from Democrats in Congress, President Obama signed an Executive Order raising the minimum wage for federal contractors to \$10.10. Since the order was signed, many states are following suit and raising their minimum wage. Many argue that

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the President wouldn’t have signed the order without pressure from Congress. And perhaps most notably, Senate Majority Leader Reid took the Senate “nuclear” by lowering the cloture threshold to end debate on executive and judicial branch (except for Supreme Court) nominees to only require a simple majority rather than 60 votes. Reid’s change to the precedent on Rule 22 represents the most significant change to Senate procedure in decades. It has resulted in the confirmation of previously filibustered federal court judges and executive nominees, like Mel Watt to the Federal Housing Finance Agency. Notably, however, this increased productivity in confirmations has come at the expense of productivity in other areas, as Senate Republicans have used the cloture rules to maximize the amount of floor time Democrats must use to confirm the President’s nominees. This serves to underscore the complexity of measuring a concept like legislative productivity.

Some argue that these are not legislative victories, but instead lackluster and temporary compromises that fail to address the hard issues. The absence of votes on immigration reform or on an extension of emergency unemployment insurance in the House (despite

bipartisan passage of both in the Senate) and the continued delay of a Keystone pipeline vote illustrate that there is merit in that argument, but it fails to consider context.

In addition to a comprehensive definition of what constitutes legislative success, understanding productivity also requires us to recognize the environment in which legislative business happens. Of course, bicameral and partisan gridlock are not new and has long been the interest of American politics scholars. However, this Congress is plagued by pervasive and historically high levels of polarization (Binder 2014), combined with intense partisan warfare (Theriault 2014) that make negotiation difficult and divisive messaging a priority. Furthermore, 2014 is an election year. While Congress may not be passing a large number of bills, the current political climate makes it an exciting time to be a Congressional Fellow nonetheless. As the election season looms, it is fascinating to watch how polarization and partisanship play out in day-to-day legislative tasks as well as on the campaign trail. There is no shortage of experiences and anecdotes to use when we return to our teaching and research.

CONGRESS AND CONSTITUENTS

Even if legislative victories may seem small and infrequent, much is still being done, especially at the district level. Our firsthand experience echoes the arguments made by Fenno decades ago: “home style” is a fundamentally important part of a legislator’s approach (Fenno 1978). This was underscored by this year’s shocking primary defeat of House Majority Leader Eric Cantor, who was accused of neglecting his district near Richmond, Virginia in order to play a prominent role in national politics (Whitesides 2014). During the past several decades, congressional scholars have had a strong interest in gauging the level of legislators’ responsiveness to constituents

(e.g., Bartels 1991; Fenno 1978). Our experiences in Congress lead us to believe that constituents—defined as advocates or district/state residents—have remained dominant players in politics on the Hill. Despite the dysfunctional state of Congress, members of Congress are still working to solve problems and address issues of concern to constituents and groups.

When members of Congress are not in Washington, much of their time is spent in their district or state at meetings, events, and site visits with constituents and local advocacy groups. For instance, we noticed that congressional members carve out precious time in their busy schedules to meet on a regular basis with local leaders and advocates to discuss a particular policy area. During these meetings, they take a genuine interest in these constituents’ comments and consider their constituents’ advice when drafting or voting on legislation.

Constituents are not forgotten when members are on the Hill. During congressional hearings, members regularly question witnesses about particular issues that are important to their constituents. When members of Congress speak on the floor, they often

highlight their point by sharing an anecdote about a constituent from their home state. Furthermore, it is impressive to see how quickly they respond to concerned groups from their home state.

Certainly members of Congress value constituents above national advocacy groups. When an advocate from a national organization contacts an office, members will always listen to an advocate's concerns. However, the member will decide to take a more active role in pushing forward legislation if a local advocate or constituent has contacted the office about the same issue. Furthermore, national advocates will be taken more seriously if they discuss relevant local issues or provide local data about the topic when they meet with congressional members. The number of advocates who do not think "locally" when discussing issues with members is a bit surprising. This lesson should not be lost on the discipline of political science, which has become a target of federal budget cutters in recent years.

Viewed through this prism, the dysfunction that characterizes the 113th Congress is the product both of the polarization of its members, but also tit-for-tat behavior on the part of both parties.

Whether members of Congress are in Washington or at home, constituents are on their minds. They are constantly weighing their decisions by considering how it affects their constituents. If you are interested in how elected officials think about and relate to the people they represent, Congress remains a fascinating and active place.

POLARIZATION AND DYSFUNCTION

Mann and Ornstein (2012b) argue that the polarization in recent years is asymmetric, as the ideological gap between the parties is largely the function of the Republican delegation in the House and Senate moving to the right. There is good empirical support for this claim through examination of trends in DW-Nominate scores, as they note. With that said, the dysfunction in the 113th Congress is the product of the behavior of both parties over time.

The legislative process in the 113th Congress is a far cry from the "textbook" model, or (per Rep. Andrews) what you would find in Schoolhouse Rock's "I'm Just a Bill." Rather than legislation following a more traditional path, the "regular order" has become the exception rather than the norm. When Barbara Sinclair wrote *Unorthodox Lawmaking*, these non-traditional procedures were "unorthodox" because they were diversions from routine. However, in the 113th Congress, most legislation that makes its way to the floor is done through methods that are "unorthodox" by Sinclair's original definition.

In the House, many bills are considered through suspension of the rules. Of course, the majority party still dominates, and the Speaker wields enormous power in controlling the agenda. But the regular order is used with less frequency than in the past. In the Senate, dozens of senators have taken to the floor to bemoan the death of regular order in the institution that has been revered as the "greatest deliberative body in the world." In the 2nd session of the 113th Congress, only a few bills have been passed through a process that looks remotely like the one

described in American government textbooks. Instead of bills being referred to committee, it has become routine for the Majority Leader to use the Rule XIV process to place bills directly on the Senate calendar for possible consideration. The Republican minority has lamented the fact that many bills are being drafted "in Senator Reid's conference room," rather than in committee. Furthermore, when bills make their way to the floor, Majority Leader Reid has almost universally "filled the amendment tree" to prevent others from offering amendments to modify the bill. This freezes out minority amendments, and Republicans note that they have received votes on a total of nine Republican amendments in the 113th Congress. But it also prevents Democratic senators from offering amendments. This allows the majority party to control the content of legislation, while also allowing members to avoid taking difficult votes in an election year. In addition to affecting the content of legislation, Republican sena-

tors also complain that it also hampers their ability to provide good representation to their constituents. As we have noted above, representing their constituents remains a priority, and these senators argue that curtailing the ability to offer amendments silences the voice of their constituents.

Finally, the dysfunctional confirmation process led the Democratic majority to implement the "nuclear option" in the Senate, as we discussed previously. This change was universally criticized by Republican senators as well as three Democratic senators. However, it is worth noting that Republican senators proposed "going nuclear" during George W. Bush's presidency, when his nominees were obstructed and delayed by Democratic senators in the minority. And many of the same Democratic senators who delayed Bush's appointees have been critical of Republican obstruction of President Obama's nominees. Viewed through this prism, the dysfunction that characterizes the 113th Congress is the product both of the polarization of its members, but also tit-for-tat behavior on the part of both parties.

From the standpoint of political science, none of these patterns make Congress a less interesting place to work or to study. It is an institution that is always changing, for better or for worse, underscoring the wisdom of maintaining the Congressional Fellowship Program for 61 years and counting.

NOTE

1. See Olympia Snow. "Why I'm Leaving the Senate," *Washington Post*. March 1. http://www.washingtonpost.com/opinions/olympia-snowe-why-im-leaving-the-senate/2012/03/01/gIQA-pGYZlR_story.html and retiring Representatives Henry Waxman (Bolton 2014) and John Dingell (Sean Sullivan, February 24, 2014, "Longest-Serving Rep. John Dingell to Retire," *Washington Post* <http://www.washingtonpost.com/blogs/post-politics/wp/2014/02/24/longest-serving-rep-john-dingell-to-retire/?hpid=z1>)

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APSA Congressional Fellows 2013–14

APSA Congressional Fellows, 2013–14, gather on Capitol Hill for a class photo. They are (left to right) (first row) Shannon Hader, Wendy Golinier, Jana Meisinger, Lindsey Herbel, Lisa Petcoff, Tia Powell, Dena Brownlow, and Nadine Braunstein; (second row) Emily Lynch, Amir Afkhami, Ron Kline, Maria-Rosa Watson, Jennifer Wolff, Heather Menne, and Tara Cortes; (third row) Veronica Long, Anne Harrington, Gregg Warshaw, Kara Zivin, Kate Clark, Sa-ngopkarn Mounthong, David Eggleston, and James Pacala; (top row) Jeff Biggs, Kirk Wolcott, Stephen Tielke, Fred Kobylarz, Christopher Pope, Jeffrey Fine, and Peter D'Amico.

CONGRESSIONAL FELLOWSHIP PROGRAM

Congressional Fellowship Program Announces 2014–15 Fellows

Founded in 1953, the APSA Congressional Fellowship Program is the nation's oldest and most prestigious congressional fellowship. The program remains devoted to its original objective of expanding knowledge and awareness of Congress. For nine months, select political scientists, journalists, doctors, federal executives, and international scholars gain "hands on" understanding of the legislative process by serving on congressional staffs. Individuals selected for the program for 2014–15 are listed below. For more information about the program visit http://www.apsanet.org/content_3031.cfm.

POLITICAL SCIENTIST

Laura Elizabeth Blessing, PhD candidate, University of Virginia
Elizabeth Rigby, PhD, George Washington University
Paulina S. Rippere, PhD candidate, University of Florida
Arjun Wilkins, PhD candidate, Stanford University

AMERICAN AUSTRALIAN ASSOCIATION

Jonathan Swan, national political reporter, *The Sydney Morning Herald*

ASIA FOUNDATION

Nicha Pitayathornpitaksa, Third Secretary, Department of European Affairs, Ministry of Foreign Affairs, Bangkok, Thailand

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Heidi Allen, MSW, PhD, assistant professor, Columbia University School of Social Work, New York, NY

Beverly Xaviera Watkins, PhD, MA, assistant professor of public health in medicine, assistant professor of public health in integrative medicine, Weill Cornell Medical College, New York, NY

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William Hung, MD, MPH, Assistant Professor of Geriatrics and Palliative Medicine, Mount Sinai School of Medicine New York, New York, NY

Victoria Walker, MD, CMD, Chief Medical and Quality Officer, The Evangelical Lutheran Good Samaritan Society

Lori Simon-Rusinowitz, MPH, PhD, Associate Professor, Health Services Administration and Center on Aging, School of Public Health, University of Maryland

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Thomas Tsai, MD, MPH, Administrative Chief Resident for Research, Brigham and Women's Hospital

Research Fellow, Department of Health Policy and Management, Harvard School of Public Health

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Lael S. Herbert - branch chief, Central Intelligence Agency
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