

# WORKING WITH CONGRESS

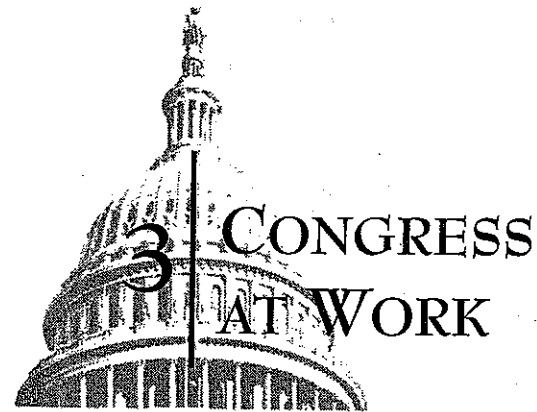
A Practical  
Guide for  
Scientists and  
Engineers

Second Edition

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AMERICAN ASSOCIATION FOR THE  
ADVANCEMENT OF SCIENCE



**T**he work of Congress can be divided into two broad categories: lawmaking, which includes budgets, appropriations, authorizations, other legislation, and oversight; and representation, or serving constituents, as well as building and reinforcing political support.<sup>1</sup> Understanding these two worlds is crucial to the person who hopes to influence a member of Congress. When a member listens to your opinion on the substance of a scientific issue, he or she is listening in a different language—the language of political nuance and potential political value. In discussing these two worlds in which Congress works, this chapter examines the growth in congressional workload, the organization of Congress and its staffing, the committee system, and the sources from which Congress obtains information and advice.

## THE MEMBERS OF CONGRESS

### PERSPECTIVE

Members of Congress often lock horns over how to make laws that best reflect their constituents' views and needs. Gridlock sometimes results as politicians vie to control policy and process, rhetoric and results. In November and December 1995 and into January 1996, a large part of the government shut down in showdowns over approaches to balance the budget and Medicare/Medicaid priorities. Bills that would

have allowed the government to spend money were held up because of these policy disagreements. With no money appropriated for employees' salaries and agency operations, many government agencies closed until a political compromise could be reached.

Yet political gridlock in Washington happens not necessarily because of obstinacy on the part of Congress and the President, but because Americans have chosen a style of divided government. This is due in part to having checks and balances on powers among the three branches of government. It is also due to our inability, as a people, to reach consensus on how to proceed in solving deeply rooted national and global problems.

Many different parts of the nation and many powerful political and issue groups have dug in their heels, refused to consider the path of accommodation, and not tolerated a view different from their own on issues from deficit reduction to reproductive rights. Congress is reflecting or mirroring, perhaps all too well, this lack of consensus within the electorate. If Congress appears to be in disarray, it is largely because the electorate itself is in disarray.

Understanding who the members are, the work they do, and the climate in which they work can give a citizen scientist or engineer insight into how best to shape his communication with a member of Congress.

## BASIC STATISTICS

The elections of 1994 proved to be a time of great change for the U.S. Congress. Not only did the House fall under Republican control after four decades of Democratic leadership, but a near record number of members retired or left to seek other positions. And as the elections of 1996 approach, it appears that the retirement record, set in 1978 with fifty-nine retirements, may be broken.<sup>2</sup> More than 52 percent of all members of the House of Representatives have been elected since 1990. In the Senate, 54 percent of members have served twelve years (two terms) or less. In other words, about half of all the seats in Congress have turned over

during the past decade. Such data do not support charges that Congress is the bastion of entrenched, aging politicians who are out of touch with the people. It must be acknowledged, however, that such aggregate data do not reveal the great variety in election patterns throughout the country. Some seats are safe for incumbents, election after election; other seats are in a continuing "swing" status; others are close but tend to tilt toward one party; and all are subject to periodic upheaval.

The influx of new faces in Congress since 1990 has resulted in a slight decline in the average age of members from 54 in 1992 to 52 in 1994. The number of women in the House remained the same from 1992 to 1994 at 48, but the Democrats lost five women while the Republicans gained five. The Senate increased its ranks of women to eight with the addition of two new Republicans. The number of African-Americans in Congress remained constant at 39 Representatives and one Senator. Again, the Democrats lost one African-American House member while the Republicans gained one.

The number of members with a business or banking background grew to 186 in 1994, a 20 percent increase, while the number of lawyers decreased almost 6 percent to 225. As listed in *Vital Statistics on Congress 1995-1996*, six members are engineers, 11 have backgrounds in medicine, and 75 are educators. Of all members, 114 list public service/politics as their previous occupation. At least two House members of the 104th Congress are Ph.D. level scientists, one a chemist and the other a physicist.

A brief profile of the Senate shows there are no fewer than fourteen former state governors, several former mayors, and at least five Rhodes Scholars. Many senators had highly successful careers in fields outside of politics before coming to the Senate. The great majority have educations beyond an undergraduate university degree, and many of their advanced degrees come from the nation's premier universities. Very few senators are professional politicians in the sense of having devoted their entire careers to serving in a political office.

However, about a third of the current senators have served in the House of Representatives. About a third of all senators are millionaires, and some are exceptionally wealthy. While some of the wealth is inherited, much of it is self-made.

Not surprisingly, the House does not appear to be as attractive to former governors of states as the Senate. In the House there is only one former governor and one former lieutenant governor.

### GROWTH IN CONGRESSIONAL WORKLOAD

Anyone seeking to influence or communicate with Congress must recognize that while communication lines are open, many people are using them. Those who want to get a member's attention must expect a lot of competition. The workload of Congress has increased tremendously over the past three decades. Davidson and Oleszek note that this workload, which was "once limited in scope, small in volume, and simple in content... has grown to huge proportions." These changes are in direct response to the changed character of Congress.<sup>3</sup>

Until the 1950s, Congress was largely a part-time institution, and members were paid as if they were doing a part-time job. For the first part of the twentieth century, Congress stayed in session only nine months of each twenty-four; the members spent the rest of the time in their districts or tending to their private business. Recently, Congress has been in session nearly all year except for occasional district work periods. The average senator and representative works at least an eleven-hour day while Congress is in session and often even longer in his or her state or district. Congressional staff members have comparable workdays. It once was expected that members and staff should have outside jobs; this is now prohibited, and indeed, time constraints make it impossible.

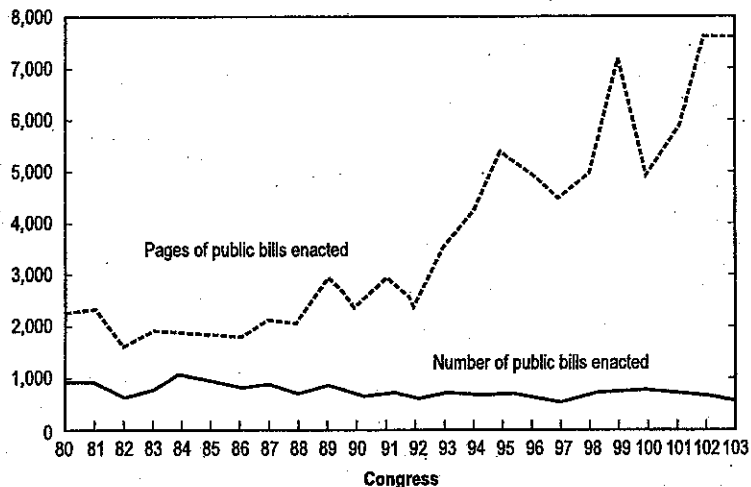
A variety of indicators may be used to measure congressional workload and its growth. Some of these include time in session, committee meetings, and floor votes. By such measures, the congressional workload has nearly doubled over the past thirty years. Committee hearings have so proliferated

that members have conflicting schedules and cannot attend all the hearings of the committees and subcommittees to which they belong.

There have been downturns since the 1980s in some indicators such as numbers of bills enacted into law (see Figure 3-1), but these are a reflection not of a decreased workload but rather of its changed nature. There has been a shift to more "mega-bills"—particularly in the budget area—and an increasing emphasis on oversight of the executive branch and on investigations that often lead to a report but not to legislation. Apart from numerical indicators, overall legislative business has grown in scope and complexity as well as in volume. In the 1980s and early 1990s Congress dealt with many issues that once were left to state or local government or that were not considered to be within the purview of government at all. However, with the Republican takeover in 1994, the pendulum began to swing in the other direction, and there was a real focus on returning power to the states. Perhaps even more important, the issues of the 1990s are far more complex than those of earlier decades; more and more, they involve complicated interplay among a variety of factors—economic, political, social, and technological.

Another important dimension of the changed nature and consequent growth of congressional workload has arisen from the increased focus on constituent service and the related growth of the federal government's role in our daily lives. This increased focus is reported in academic studies of Congress, by members and staff themselves, and in such indicators as the amount of mail received and responded to by Congress. Davidson and Oleszek observe that "not only are constituents more numerous than ever before; they are better educated and served by faster communication and transportation. Public opinion surveys show that voters expect legislators to 'bring home the bacon' in terms of federal services and to communicate frequently with the home folks."<sup>4</sup>

**Figure 3-1**  
Public Bills in the Congressional Workload  
80th–103rd Congresses, 1947–1994



Source: Norman J. Ornstein, Thomas E. Mann, Michael J. Malbin, *Vital Statistics on Congress, 1995–1996*. (Washington, DC: Congressional Quarterly Inc., 1996).

## ORGANIZATION OF CONGRESS

Formally, Congress does its work through individual member offices (in Washington and in the district or state), through committees, and on the floor of the House and Senate. The informal side of congressional organization goes well beyond this, however, and includes party committees, party caucuses, and a variety of other informal groups, which call themselves caucuses, coalitions, conferences, and so on.<sup>5</sup> These informal groups may be based on party affiliation (Republican Conference, Democratic Caucus), issues (New England Congressional Energy Caucus), geography (Northeast-Midwest Coalition), gender (Women's Caucus), or ethnicity (Black Caucus).

## THE HOUSE LEADERSHIP

Although members of Congress consider themselves constitutionally coequal with the President, practical consid-

erations mean that some members are "more equal" than others. The role of Speaker of the House carries with it prestige and extensive power. The Speaker is recognized in the Constitution and designated as next in line behind the Vice President to succeed the President. With the selection of Republican Newt Gingrich as Speaker after the 1994 elections, the role of Speaker became even more pivotal. In the 104th Congress, Speaker Gingrich and his aides dictate the timing and management of bills—even in committee—often operating with sophisticated software to track, schedule, and manage the flow of legislation.

Although the Constitution does not require the Speaker to be a member of the House, all have been. Also, while formally elected by the entire House, as a practical matter the Speaker is chosen by the majority party. The Speakership combines policy and partisan leadership with procedural prerogatives. For example, the Speaker holds unique powers in scheduling floor business and in recognizing Members during floor sessions. Yet, in this modern Congress, the Speaker must be attuned to the Members and especially, but not exclusively, to the members of his own party. In the 104th Congress, Republican Members must also be closely attuned to the Speaker.

An elected majority leader is the Speaker's principal deputy. Both House and party rules are silent on the duties of the majority leader. In practice, the job is defined by the Speaker.

On the other side of the aisle, an elected minority leader is the titular head of the minority party. The functions of this position have included monitoring the progress of bills through Congress and forging coalitions with like-minded Members of the majority party. Another important role is the promotion of party unity and political leadership in seeking a return to majority status.

On the next rung of the party leadership ladders are the majority and minority whips.<sup>6</sup> Since the principal whips are elective posts, they have been seen as the path to majority or minority leader positions and the Speakership. The other

whip positions (deputy, assistant, regional) are appointive. Whips in each party meet regularly to discuss strategy and issues. For both parties, whips aid the top leaders in gathering intelligence, encouraging attendance, counting votes, and persuading colleagues. Whips in the House often stand at the floor entrances to signal arriving colleagues on how to vote (thumbs up for yea; down for nay). Periodic whip notices are also sent out advising Members of upcoming floor agenda items and providing pertinent information.<sup>7</sup>

Subcommittee chairmen and ranking minority members of subcommittees are chosen by secret ballot within each committee by the respective party committee caucuses. Although seniority used to be the sole criterion for advancement to committee and subcommittee chairmanships, it is now only one of a set of factors used in filling these key positions. These days, other factors, such as loyalty to party policy positions, are also taken into account.

Significant organizations used by the leadership of both parties in carrying out their functions currently include the Democratic Steering and Policy Committees, the Republican Policy and Research Committees, and the House Rules Committee.

While the House of the 1990s is much more open and decentralized than it once was, it is still an institution where the leadership derives much of its power from holding the levers on the use of rules and procedures. Effective use of these rules and procedures permits a determined majority to achieve its policy or procedural objectives. But this can be taken only so far: ultimately, the leadership—both majority and minority—must persuade Members who represent different constituencies, values, and interests to support legislation before the House.

#### THE SENATE LEADERSHIP

The Senate is an institution suffused with individualism and independent operators, presenting dramatic challenges to the leaders, majority and minority alike, in performing their roles. Moreover, the rules and procedures of the Senate are much more flexible and much less structured than those of

the House. For example, the Senate allows unlimited debate while the House places limits on the amount of time for debate. In addition, in the House, debate remarks and bill amendments must be germane to the issue or bill being discussed while in the Senate there are far fewer constraints concerning "nongermaneness" of what a senator has to say. Because of these differences, Senate leaders rely much more heavily on personal skills, persuasion, and negotiation than on rules and procedures to carry out the Senate's business.

The President of the Senate, as defined in the Constitution, is the Vice President of the United States. However, except for ceremonial or unusual occasions, he seldom presides, and he votes only to break a tie. The Constitution also provides for a president pro tempore to preside in the Vice President's absence. In practice, this role has been performed by the majority party senator with the longest continuous service, although other senators serve on a rotating basis. When a senator on the Senate Floor says, "Mr. President," the reference is to the president pro tempore. For practical purposes, however, the majority leader acts as the head of the majority party, as its leader on the floor, and as the leader of the Senate. In the same way, the minority leader heads the Senate's minority party and acts as its leader on the floor. Neither of these positions is mentioned in the Constitution; both are subject to elections with secret ballots at the beginning of each Congress.

As in the House, there are majority and minority whip systems. Their purposes include gathering votes and planning party strategy. Finally, as in the House, there are Senate party caucuses, committees, and informal groups. The undergirding organizational structures in the Senate are the Democratic Conference and the Republican Conference. Also important are the Democratic Policy and Steering Committees and the Republican Policy Committee.<sup>8</sup>

#### COMMITTEES IN CONGRESS

In the work of Congress, committees are at the center of things institutionally: in policymaking, budgets, revenues,

investigations, oversight of federal agencies, and public education. While floor actions often refine the legislative products of committees, the committees are the means by which Congress sifts through thousands of bills and tens of thousands of nominations annually, along with considering issues and proposals by the hundreds.<sup>9</sup> It has been said that "on the floor is Congress for show, while in committee is Congress at work."

In 1995, the number of House full committees declined for the first time since 1955. The new Republican majority cut the number of House committees and subcommittees by 25 percent, eliminating three committees and implementing new rules restricting the number of subcommittees per committee to five.<sup>10</sup>

In a comprehensive study, *Committees in Congress*, Smith and Deering found that "committees still matter" despite widespread individualism and unstructured processes in the Senate and declining specialization of Members in the House, as well as diminished autonomy on the part of committees in both bodies. Members say that committees remain central to their personal goals, and they continue to judge carefully the value of particular committee assignments. For example, service on an appropriations committee is a powerful attraction, and appointments are vigorously contested. Also, most legislative activities of members revolve around their committee and subcommittee assignments.<sup>11</sup>

#### COMMITTEE ASSIGNMENTS

Committee assignments are central to the organization of Congress and to the ability of members to influence policy in areas in which they are interested. Such assignments are made under party rules and processes. Democrats and Republicans in the House and Senate set their own rules for assigning membership to committees, grading committees by level of importance. Membership on some of the committees, such as the Budget and Ways and Means Committees in the House, is exclusionary, meaning that if a Member serves on that committee they can serve on no others. Others, such as

the Appropriations Committees in both the House and Senate, while not exclusionary, are considered more powerful and more desirable than others.

Senators usually divide their time and attention among a larger number of committee assignments than representatives. Moreover, senators have greater latitude than representatives to influence the agendas of committees other than those on which they serve. In 1995, the House took steps to limit the number of committee and subcommittee assignments per Member. The new rules limit Members to two standing committees and four subcommittees.

#### TYPES OF COMMITTEES

Committees vary considerably in importance and influence. The basic types are standing, select, joint, and conference. Even after a significant reduction in the number of committees in 1995, Congress still has a rather complicated organizational structure with 48 committees with more than 150 subcommittees, each vying for its place in the sun. This total does not include party committees and informal groups.

#### STANDING COMMITTEES

Standing committees are permanent congressional entities, established by law or by House or Senate rules. Such committees continue from one Congress to the next and process the vast majority of the daily business related to lawmaking, investigations, and oversight. From the thousands of bills introduced, committees choose a limited number to consider and send to the floor for possible enactment into law. Thus, they are also the burial grounds for most legislation. As of the 104th Congress, the House had 19 standing committees with 84 subcommittees. The Senate had 17 standing committees and 68 subcommittees.

The standing committees can be divided into five general categories dealing with budgets, appropriations, authorizations, revenue and taxes, and procedural/administrative matters. The Senate and House Budget Committees establish budget categories and overall targets for expenditures and rev-

enues. In varying degrees, the authorizing committees enact laws providing legislative authority for the programs and agencies. The House and Senate Appropriations Committees (with thirteen subcommittees each) work out the details of appropriations for agency programs within these allocations and authorizations. The powerful Senate Finance and House Ways and Means Committees set tax and revenue policies and oversee most entitlement programs and all tax-related policy incentives. One other group of standing committees deals with internal congressional administration, operational rules and procedures, and administrative and judicial procedures and organization.

#### SELECT COMMITTEES

Select (or special) committees are supposed to last no longer than one Congress (a two-year period). However, some, like the House and Senate Select Committees on Intelligence, "just keep going" and take on the nature of standing committees.

#### JOINT COMMITTEES

Joint committees—of which there are four—have both senators and representatives as members. The chairmanship rotates between House and Senate. Joint committees are used when the House and Senate agree that the institutional interest of Congress as a whole should take precedence over the interests of either house. For the outside world the most important current joint committees are the Joint Economic Committee and the Joint Committee on Taxation; the other two are concerned with the Library of Congress and the Government Printing Office. It is worth noting that while Congress has a Joint Economic Committee, it has not chosen to establish a joint budget committee.

#### CONFERENCE COMMITTEES

Before a bill can be sent to the President for signature, it must be passed by each body in identical form. Conference committees are established temporarily to reconcile the differences between measures passed by the Senate and

House. Appointments to conference committees are of vital importance as this is where final agreements are reached about House and Senate differences, and the power a member can wield here is considerable.

#### AUTHORIZATION AND APPROPRIATION COMMITTEES

For those who work with Congress, one of the most important distinctions to bear in mind is the fundamental difference between authorizing and appropriating committees. In principle, the authorizing committees, of which there are many, produce bills that set policy, establish federal agencies and programs, and recommend budgets at certain levels. The House and Senate Appropriations Committees produce the legislation that actually funds the programs. Users of this guide will probably have more interactions with authorizing committees than other types. And while comparable interactions with the appropriations subcommittees are not as likely to occur, there is still a strong need to follow their activities closely, especially in these lean years of tightening budgets.

It is not unheard of for Congress to pass an authorization bill that is signed into law by the President but for which no appropriation is ever enacted. In this sense a program is authorized but does not really exist because the appropriations committees never allocated the money to implement it. Indeed, there are billions of dollars of such unfunded authorizations on the books. In part, this situation arises because there simply is not enough money to fund all enacted authorizations. It also arises because appropriations committees sometimes disagree with authorizing committees. Sometimes, the appropriations committees will fund a program regardless of whether or not an authorization bill has been passed.

#### GROWING TENSION

Over the years, tension has developed in Congress among the various types of committees over their respective roles and relationships. In many instances, new systems and processes were superimposed upon existing systems; the result has been a very complicated set of processes that are dif-



ficult to understand—even for many of those who work in Congress. Such a set of circumstances leads easily to power plays and competition among various members and committees.

### STAFFING FOR CONGRESS

One of the most important aspects of Congress is staffing. As Fox and Hammond note, “Congressional staffs, both committee and personal, are an increasingly vital resource to Members of Congress.” As Congress has changed, staffs have expanded and changed—in distribution and qualifications.<sup>12</sup> The substantial growth of congressional staff over the years is shown in Figure 3-2. (Although the current figures were not available for this chart, when the Republicans took over the House, they pledged to decrease staff by 25 percent.)

Generally, congressional staff members today are better educated, more professional, and possess a greater variety of skills and backgrounds than staff of earlier decades. There are far fewer “political hacks” who come into the system solely on the basis of their political connections regardless of competence. There is no typical staff person, but, in general, personal staff tend to be younger and somewhat more mobile than committee staff. While some people in key positions on the Hill have been there for years, many others view a congressional staff assignment as a way station in their career development and serve for only a few years.

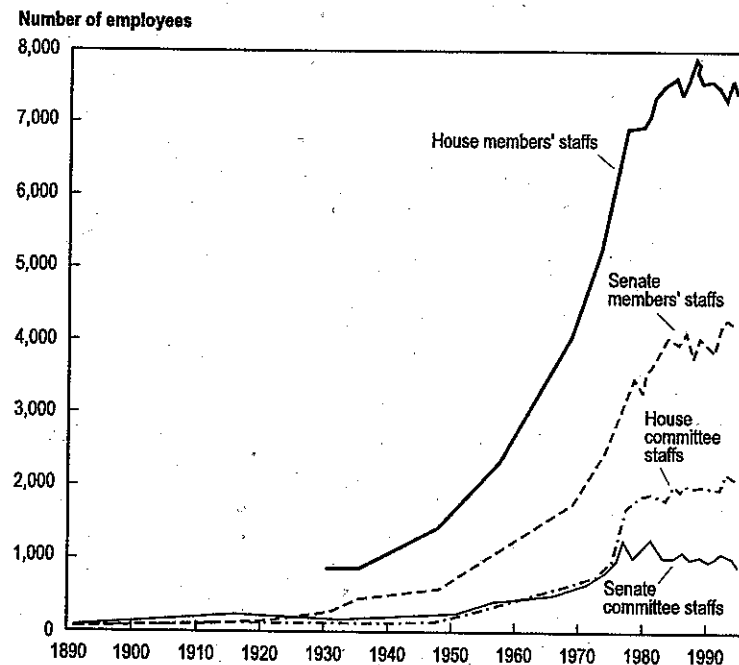
Members are ambivalent about the role of staff—always depending on them but sometimes resenting this dependence. There is little doubt, however, that Fox and Hammond are correct when they say, “The key aspects of what makes Congress run—activity, communication, organization, and community—in large measure involve staff. Many congressional outputs can be traced back to staff activity, where they conceptualize, write, type, and finally communicate a message.”<sup>13</sup>

### PERSONAL AND COMMITTEE STAFF

It may be useful to distinguish between personal and committee staff, but it is nearly impossible to generalize on

Figure 3-2

Staff of Members and of Committees in Congress, 1891–1993



Source: Norman J. Ornstein, Thomas E. Mann, Michael J. Malbin, *Vital Statistics on Congress, 1995–1996*. (Washington, DC: Congressional Quarterly Inc., 1996).

such differences because of the wide range of organizational models and operating styles of the many hundreds of personal and committee offices. Also significant are the many differences between Senate and House styles and practices. With some oversimplification, here is a brief summary of distinctions between personal and committee staff:

- In both the Senate and the House personal staff tend to be younger, less experienced, and more mobile than committee staff members. Also, personal staff tend to be somewhat more parochial in their outlook than committee staff. There are distinct and natural tendencies

to assess the value or importance of an initiative in terms of its impact on the district or state as well as on the member's reelection prospects.

- Personal staff must always keep focused on their boss's priorities, interests, and constituencies—even while working on committee business. Committee staff, while serving all committee members, must be especially attentive to the committee agenda and the chair or the ranking minority member.
- The roles of legislative aides on personal staffs vary tremendously in their functions. Some merely monitor hearings, issues, and legislative initiatives. Others, who are perceived as speaking for their bosses, can work actively and cooperatively with committee and other staff associated with their boss's committees and their boss's issues. Alliances—temporary and permanent—are used frequently to achieve desired objectives.
- Even as legislative aides, personal staff are necessarily more involved than committee staff with the constituent service functions of Congress.
- Personal staff may well draft legislative amendments, committee, and floor remarks for their boss and make suggestions to committee staff on legislative strategies. However, committee agendas are generally prepared by committee staff—in consultation with the chair and sometimes with the ranking minority member.
- Senate personal staff generally have wide latitude to play active roles in legislative initiatives. There are more barriers in the House to such activities.
- In both houses, selected committee staff go to the floor. In the Senate, personal staff may occasionally accompany a Senator to the floor; this is not permitted in the House. And committee staff are mostly responsible for scheduling, planning, and organizing hearings, as well as for writing reports and drafting legislation.

The staffing and structure of members' offices vary considerably, not only in overall size and types of staff, but also in the way things work. There is usually one senior staff person, more or less in charge of the staff, often called the administrative assistant (AA) or chief of staff. (The title administrative assistant is a carryover from the days when each member's staff consisted of only a secretary or two.) A member's AA is usually the most powerful personal staff person. Some members work with many staff directly, while others prefer a more hierarchical approach through the AA.

Another common feature is the division of labor between case workers, who handle constituent services, and legislative assistants, who work on policy issues. There is often a legislative director (LD) who coordinates the work of the legislative assistants. The LD also helps to develop broad legislative strategies for members and performs committee-related work for those members who do not have committee staff assigned to them. Other important staff include a press secretary and a personal assistant to the member. The personal assistant handles scheduling and is often referred to as the appointments secretary or scheduler.

#### LEGISLATIVE AIDES

Legislative aides—personal and committee—can influence congressional decision making significantly. For example, staff have almost complete control over communications into and within a committee and personal office. Staff often have lead roles in identifying issues and developing legislative positions. Among their tasks are conducting research, gathering background data on specific legislative matters, and drafting legislation. They research and draft testimony, speeches, floor remarks, letters to constituents, and reports. In cooperation with other staff, they increasingly coordinate legislative strategy. They track a multitude of issues and events and provide succinct briefings to their member, often in the five-minute walk from the member's office to the floor. Finally, and perhaps most important, they offer their opinions and serve as a sounding board for their member or chairperson.<sup>14</sup>

As Figure 3-2 and Table 3-1 show, in 1993 there were just under 1,000 committee staff in the Senate and slightly more than 2,100 in the House. This makes a total of about 3,100 staff who are directly concerned with the business of government, that is, with congressional functions related to lawmaking, investigations, and oversight. While some may think this a large number, it is less than 10 percent of the number (about 40,000) often used by critics of Congress to describe a bloated staff system. Table 3-1 also notes that House personal staff number about 7,400 or just about 17 per office, since each member receives the same personnel allowance. In the Senate, personal office staffing amounts to about 4,100 and is allocated on the basis of state population: senators from states with small populations, such as South Dakota, get a far smaller allocation than do senators from large states, such as California. The overall growth in staff has leveled out since the early 1980s. The earlier growth was largely in response to growth in the roles and size of the federal government and to the increasing number of executive branch agencies. In one sense, staff equals power for Congress to legislate, investigate, and oversee the operations of government.

#### UNELECTED LAWMAKERS?

Members of Congress simply cannot handle the heavy workload on their own; they must rely extensively on what some have called unelected lawmakers. As Davidson and Oleszek have observed, "their influence can be direct or indirect, substantive or procedural, visible or invisible."<sup>15</sup> The discretionary agenda of Congress and its committees, and even that of personal offices, is greatly influenced and shaped by the staff. For example, senior committee staff members and staff directors have described in considerable detail how committee agendas are planned: the chair and ranking minority member will have their interests taken care of in the process, but so will the staff.

**Table 3-1**  
Distribution of Congressional and Support Agency Staff

Congressional Staff <sup>(a)</sup>		
	House	Senate
Member personal staff	7,400	4,138
Committee staff	2,147	994
Leadership Staff	137	100
Officers of the House/ Senate Staff	1,194	1,165
Subtotals	10,878	6,397
<b>TOTAL (House &amp; Senate)</b>		<b>17,275</b>
Support Agencies <sup>(b)</sup>		
Architect of the Capitol		2,500
General Accounting Office <sup>(c)</sup>		3,500
Government Printing Office		4,000
Library of Congress		4,800
[Congressional Research Service 760]		
Congressional Budget Office 226		
<b>TOTAL (Support Groups)</b>		<b>15,026</b>
<b>GRAND TOTAL</b>		<b>32,301</b>

- Congressional staff figures are from 1993 and are based on data from *Vital Statistics on Congress, 1995-1996*.
- Figures are from 1995 and are based on data acquired from each of the support agencies.
- GAO estimates that 80 percent of its total workforce of 4,350 is connected with service for Congress. By the end of fiscal year 1996, the total staff level at GAO is scheduled to decrease to 3,500.

Throughout the many stages of congressional policy-making, staff members play an active part. Policy proposals arise from many sources inside and outside the government, and congressional staff members are positioned so as to be able to advance or hinder these proposals. Staff actively engage in negotiating with members, lobbyists, outside interest groups, and executive branch officials on issues, legislative language, report language, and political strategy.<sup>16</sup> Staff members are deeply involved in preparing committee agendas (legislative and oversight), planning hearings, recruiting witnesses,

drafting reports and legislation, participating in drafting amendments for committee mark-up sessions, and even (in limited numbers) accompanying members to the floor when their legislation is being considered.

In contrast to many other organizational settings, the staff organization pyramid in congressional offices is often flat, and many of the professional staff have direct access to the member. Organizational norms such as promotion on the basis of merit, seeking formal professional recognition, following standard career patterns, and rigorous selection procedures are not characteristic of the congressional setting. Rather, personal loyalty, persistence, deference, special rules of courtesy, maintaining a low public profile, and a lack of concern with formal assigned duties and tasks seem to be associated with both committee and personal staffs. There is very much the sense of a personal team, whether it be a personal or a committee office.

#### PROFESSIONALISM AND PARTISANSHIP

Many staff are necessarily partisan both in their orientation and in their congressional activities. Since most staff are appointed by a partisan, they may be expected to and, most often do, reflect the partisan orientation of their patron. Professional experts coming into the congressional staff system or working with it must be aware of and sensitive to these features of Congress.<sup>17</sup>

#### HEARINGS

The budget committees, appropriations committees, and authorizing committees—as well as joint and special and select committees or their subcommittees—all hold hearings related to legislation being considered to conduct oversight of executive branch agencies and programs. The character of the hearings, and the range of testimony that is heard, varies widely.

#### BUDGETS AND APPROPRIATIONS

Money-related congressional activities are very much an inside game. Opportunities are limited for the public to

participate in the work of budget committees and appropriations committees and their associated hearings. Agency representatives appear to explain and defend their programs and the President's budget request, however, outside or public witnesses presenting expert testimony are rare.

To the extent that public witnesses are involved, it is most often through "public days" set aside by the committees. The budget committees do extend invitations to some witnesses, but the prevailing practice in the appropriations areas is to require individuals and organizations to request time, typically for only a few minutes, and generally as a supplicant rather than as an advisor. In short, there is only a very limited requirement in these types of congressional hearings for expert information and advice. When it is desired, the committees tend to acquire information informally and through special reports or investigations conducted by investigators on loan from various agencies.

#### LEGISLATIVE PROPOSALS

There is a substantial requirement for public testimony involving expert advice and information in congressional hearings before the authorizing committees. That has created a large and growing demand for information, analyses, and expert advice on virtually every important national and international issue—as well as for many of limited import or consequence. Divided government, with different parties controlling the Congress and the executive branch, also leads to higher levels of policy conflict than is the case when a single party controls both Congress and the presidency. Another factor is that there are many more players and a decentralization of power among those players than in the 1960s. One of the results of the congressional reforms of the mid-1970s was the distribution and decentralization of power among subcommittee chairmen and substantially increased staffs.

#### OVERSIGHT

At least equal to the legislative demand is the very large requirement for expert advice, analyses, and informa-

tion in the form of public testimony for oversight activities performed by Congress. Oversight can be divided into four categories:

- Committees involved with authorizing legislation are required to review the programs and operations of federal agencies within their jurisdiction and to recommend appropriate corrective action for problems.
- The appropriation subcommittees in the House and Senate have financial oversight responsibilities. For revenue-related activities, the Senate Finance Committee and the House Ways and Means Committee undertake oversight activities.
- A broad range of investigative responsibilities are assigned explicitly to the Senate Governmental Affairs and House Government Reform and Oversight Committees. Their mandates are not confined to any particular agency or set of issues.<sup>18</sup>
- The authorizing committees perform wide-ranging investigations under a mandate from the Legislative Reorganization Act of 1946, which calls for Congress to perform "continuous watchfulness" over the agencies under the jurisdiction of various committees.

In recent times, congressional committees have used their investigations and oversight powers increasingly in a large number of areas. Then-Senator Harry Truman's investigation of procurement fraud during World War II was a major stepping stone to the Vice Presidency and ultimately, the Presidency. Richard Nixon used the Alger Hiss case in much the same way. Other members of Congress, over the years, have combined oversight investigations with an active media interest in selected areas, whether it be alleged scientific fraud or charges of misuse of indirect costs at universities, perjury at the Environmental Protection Agency, or misinterpretation of global environmental data. Such oversight activities may well advance individual members' agendas, yet other members see these activities as a fully legitimate use of congress-

sional power. Recent oversight hearings and investigations into scientific misconduct and university management of research funds are seen in this light.

## INFORMATION AND ADVICE FOR CONGRESS

Information and advice are available to members of Congress from a wide range of sources. Some are internal, such as other members, staff, and congressional support agencies such as the General Accounting Office or the Congressional Research Service. Others are external, including the executive branch, associations, interest groups and lobbyists, private individuals, and the media. Recent studies suggest that members are relying more heavily on executive branch personnel, the congressional support agencies, and interest groups and less on consultants and volunteer experts.<sup>19</sup>

### INTERNAL SOURCES: OTHER MEMBERS AND STAFF

There is a vast, uncharted flow of information and advice among the members themselves. Over time, members develop their own personal networks, along with assessments of who is reliable, trustworthy, and knowledgeable and who is not. They depend on these networks and contacts for everything from advice on election campaigns to what to do about a given issue. Sometimes their staff aides know about these contacts, but often members keep both their sources and the specific advice private. The House and Senate floors, the cloakrooms, and even the gymnasiums (from which staff members are excluded) provide settings for such conversations.

An important implication for outsiders seeking to work with Congress is that some members have more status than others and are more influential in certain policy areas than are other members. Members cannot have expertise in all areas, so they turn to trustworthy or influential colleagues as necessary. This status is independent of formal organizational roles and depends more on how a member is viewed on a personal level by his or her colleagues. Assessing how influential a member is in these terms is not easy but should be part of your intelligence-gathering operation. Putting it bluntly,

you reduce your chances of success if your main contact is not well thought of or is seen as having little influence within Congress. Identifying your issue too closely with a member held in low regard by colleagues may be the kiss of death.

Although members are sometimes ambivalent about their dependence on staff, there is no question that congressional staff constitute one of the main sources of information and advice for members. Levels of influence vary widely among staff members, however, and sensitivity is required in choosing which ones to work with.

### CONGRESSIONAL SUPPORT AGENCIES

The three congressional support agencies, Congressional Research Service, General Accounting Office, and the Congressional Budget Office, have become highly integrated into the operations of Congress.<sup>20</sup> Their nonpartisanship, objectivity, and responsiveness to the requests of members make them valuable resources that members hold in high esteem—although each agency has encountered tensions and even hostility from time to time. One explanation of members' overall positive appraisal for the agencies may lie in an observation by Davidson and Oleszek:

Unlike committee or personal aides, these agencies operate under strict rules of nonpartisanship and objectivity. Staffed with experts, they provide Congress with analytical talent matching that in executive agencies, universities, or specialized groups.<sup>21</sup>

These agencies are not chartered to provide information or analysis to the executive branch or to the public. Even so, many of their products are widely available formally and informally.

#### Congressional Research Service

The oldest and most widely used of the congressional support agencies is the Congressional Research Service (CRS), a unit of the Library of Congress. It provides an extensive array of research services, preparing analyses, monitoring issue areas and gathering pertinent data, and preparing legisla-

tive materials. Established in 1914 as the Legislative Reference Service, it focused initially on the preparation of law indices and digests and continues that service as well. CRS is one of the two support agencies—along with the General Accounting Office—that can provide direct assistance to both members and committees, not just to committees. Both of these agencies occasionally assign individuals on detail (or loan) to congressional committees for special purposes such as preparing a major report, planning a major hearing, or conducting an investigation.

The Legislative Reorganization Act of 1970, which changed the agency's name to the Congressional Research Service, also gave it a new emphasis on policy research and analysis. Since 1970, CRS's staff has grown from 200 to nearly 900, and a number of new units have been created, including a Science Policy Research Division. A sizeable number of CRS staff members come from academic backgrounds. More and more, they operate in a "think tank" mode for Congress.

CRS offers variety and versatility in its services. In one sense it reflects its library origins by providing quick responses to thousands of congressional requests annually for factual information. In another way, its policy research and analysis roles are illustrated by the publication of a large number of reports. These include the widely-used *Issue Briefs*, reports on many topics important to Congress, a *Digest of Public General Bills and Resolutions*, and summaries of major legislation considered by Congress. Technically, CRS reports are not available to the public, but, in practice, many of them are distributed outside Congress through members' offices.

The short preparation times, urgent deadlines, and confidentiality of many CRS products often preclude a formal outside review. To compensate, CRS has established a rigorous internal review process. First, a report is reviewed by peers within the author's division and, if appropriate, by analysts in other divisions for accuracy and analytical quality. After this peer review, the report is given a division-level review to ensure that it meets division standards of technical accuracy and congressional needs. Next, the Review Section of the

Office of Policy reviews the document for compliance with CRS standards of balance and objectivity, as well as for responsiveness to congressional needs, clarity, and timeliness. If the Review Office believes that additional peer review is necessary for technical content, it has the authority to request such a review.

When time and confidentiality considerations permit—for example, for reports and issue briefs that are written in anticipation of congressional requests—outside review is strongly encouraged. Usually such review is initiated by the analyst, but division management and the Review Office also have the authority to request such a review.

In addition to supplying written products, CRS briefs members and their staffs, analyzes issues, and holds numerous seminars for members and staff on a wide range of subjects. Finally, CRS works with committees in helping to establish their agendas, in suggesting areas they might want to investigate, and in providing checklists of legislation under the jurisdiction of various committees that requires revisiting or reauthorization.<sup>22</sup>

### General Accounting Office

The General Accounting Office (GAO) is Congress's premier field investigator, domestically and internationally.<sup>23</sup> GAO was established in 1921, together with the Bureau of the Budget (now the Office of Management and Budget). Directed by the Comptroller General, who is nominated by the President and confirmed by the Senate for a fifteen-year term, GAO, as described by Oleszek, "conducts audits of executive agencies and programs at the request of committees and members of Congress to make sure that public funds are properly spent."

The agency focuses mainly on eliminating waste and fraud in government programs and improving program performance.<sup>24</sup> GAO maintains a staff complement of about 4,350 and issues more than 1,000 reports a year. The Comptroller General may assign teams of investigators to work on investigations extending over a number of months or years in close coordination with congressional committees.

GAO reviews can lead to congressional hearings, enactment of legislation, and significant administrative changes in the ways that executive branch agencies do business. Under the Legislative Reorganization Act of 1970, GAO was given an expanded role in providing oversight assistance to Congress. The Congressional Budget and Impoundment Control Act of 1974 propelled the GAO even more deeply into program evaluation, obtaining program data, and assisting in congressional oversight.

The products of GAO's reviews can take several different forms, including testimony by GAO representatives before congressional committees; oral briefings for members of Congress and staff, particularly on the progress of requested review; and written reports addressed to Congress, a requester, or an agency. Written reports range from strict statements of the facts to detailed analyses of the data obtained, including conclusions and recommendations. They are subject to stringent quality review procedures within the agency. Federal agencies and other parties affected by or related to GAO reviews are often given the opportunity to comment on draft reports—especially when the issues are sensitive or controversial or include significant recommendations for action by the agency head or Congress.

An especially important aspect of all GAO products is the independent stance of the agency. The Comptroller General is appointed for a fifteen-year term for just this reason— independence. In seeking to provide useful and credible analyses and information to Congress, the Comptroller General and the agency insist on planning, performing, and reporting their work independently and objectively. Thus the GAO maintains discretion in determining how and by whom the audit or evaluation work is to be performed. This discretion extends to deciding what is to be included in all of the GAO's products—oral and written.

Congress has directed that GAO reports be given wide distribution, in contrast to the limited distribution of CRS products. GAO's workload has grown enormously during the past two decades. A growing focus on "the budget as policy" has

led to more interest and willingness on the part of members and staff to rely more on the sophisticated program evaluation and data-gathering techniques of GAO.<sup>25</sup> However, while roughly four-fifths of GAO's workload is directly for Congress, the rest is related to other purposes, including the GAO serving as a major audit arm of the federal government.

The special tenure and high status of the Comptroller General provides the agency with a significant degree of independence from both Congress and the executive branch. GAO reports often put forth controversial policy recommendations. It is no accident, then, that the GAO and agencies of the executive branch often end up in disagreements and confrontations over findings, conclusions, and recommendations arising from GAO investigations.

#### **Congressional Budget Office**

As the budget has gained in political significance in recent years, Congressional Budget Office (CBO) reports and analyses have received increasing attention in Congress, in the media, and in government in general. CBO provides economic and budgetary information in support of the congressional budget and legislative processes. The subject matter of the agency's work is rather broad, however, given that the budget of the federal government covers a wide range of activities and plays a major role in the U.S. national economy as well as the international economic scene.

In contrast to GAO and CRS, the Congressional Budget Office does not respond to individual member and staff requests. Its lines of communication are with the House and Senate committees. With a staff of about 225, it publishes reports on the budget, including scorekeeping; estimates tax receipts and government expenditures; makes economic forecasts and projections; estimates the cost of proposed legislative proposals (not always to the liking of their sponsors); and conducts background studies and analyses policy.<sup>26</sup> (Scoring, or scorekeeping, refers to the analysis CBO undertakes to ensure that the cost or revenue figures incorporated in a proposed budget or program are accurate.)

Like the General Accounting Office, CBO is frequently asked to testify before congressional committees. While the testimony is most often in connection with an ongoing or completed study, sometimes special analyses are prepared for such committee appearances. However, the most important CBO product is very likely its annual report to the House and Senate Budget Committees. One component of this report is a document providing economic and budget projections for the next five years; the other component is a plan for reducing the budget deficit.

CBO was established under the Congressional Budget and Impoundment Control Act of 1974 and was designed to be an integral part of a new approach to dealing with budget activities in the congressional setting. At least in part, it was intended to be the congressional counterpart to the Office of Management and Budget (OMB) in the Executive Office of the President.

The Congressional Budget Act was intended to strengthen the ability of Congress to deal with the federal budget and to restore the balance of budgetary power, which a number of analysts and participants believed had tipped too much toward the executive branch.<sup>27</sup> As part of this new framework, CBO is intended to give independent budgetary assistance, economic analysis, and policy analysis to Congress. CBO has established detailed procedures related to preparation of its products and maintenance of quality standards. These include an extensive set of detailed guidelines and questions to be addressed, internal and external reviews, extensive coordination among CBO units, and full clearance by the director's office before a report is released publicly.<sup>28</sup>

CBO has become a force not only in congressional budgetary affairs but also on the national scene as well. Its analyses of and reports on important policy issues have become essential sources for those inside and outside Congress. In recent times, CBO has become a central player in budget deficit reduction discussions through its projections about different proposals. The overall tone of CBO operations more closely resembles the hard-nosed, skeptical fiscal conservatism



of the OMB than it does the expansive, program-initiating orientation of some congressional authorizing committees.

#### Office of Technology Assessment

From its establishment in 1973 until its demise in 1995, the Office of Technology Assessment (OTA) and its advisory panels of experts studied complex policy questions with scientific and technical implications. OTA was abolished after Republicans took control of both the House and Senate after the 1994 elections, as part of a reduction in the size of congressional staff. Despite the fact that its work and its reports were widely respected outside and inside Congress, OTA lacked the political clout it needed to fend off efforts to shut it down. At the end of September 1995, the one congressional agency solely devoted to science and technology policy closed its doors.

#### EXTERNAL SOURCES

##### Executive Branch

Congressional committees often correspond, at least approximately, with the jurisdiction and functions of one or more Executive Branch agencies. Examples include the Agriculture, Defense, Interior, and Labor Committees in both House and Senate. This correspondence can, over time, result in close working relationships among congressional committees, a member's personal office (especially a chairman or subcommittee chairman), the agencies overseen, and the interest groups most directly affected by the agency.

Scholars in political science and public administration have long studied these types of relationships. The arrangements have been characterized as the "so-called iron triangles—a shorthand term that embraced a wide variety of relationships." And whatever form they took, they entailed a large number of policy arenas.<sup>29</sup> The lines of communication between congressional and agency staff and between members and top agency officials are essential sources of information for both sides—even if they are at times a cause of anger in the White House, whether in Democratic or Republican hands.

For the outsider, these lines of communication mean that it is not always necessary to contact Congress directly in

pursuing your interests. It may well be preferable to work indirectly, through an agency staff member who already has the access, trust, and skill in maneuvering through the turbulent waters of Capitol Hill.

##### Interest Groups

Interest groups, including lobbyists, play an active part in congressional activities. Interest groups perform important functions: informing Congress and the public; stimulating public debates on key issues; and making available to Congress all sorts of information and points of view on proposed legislation and oversight activities.<sup>30</sup> Specifically, Congress can look to interest groups for draft legislation, analyses of competing proposals (especially those of their adversaries), draft speeches, answers to questions (usually provided promptly), questions to ask at hearings, and a host of other things. In short, an interest group that is "plugged in" can operate in some ways as an extension of a member's or committee's staff.

While it is true that interest groups can provide a variety of benefits to those in Congress, a key challenge for members and their staffs is to use the information and assistance provided by interest groups without becoming bound to their wishes and specialized agenda. In a direct warning, E. Douglas Arnold states that in regard to governmental resources, "interest groups usually have their own ideas about proper allocation, and they seldom coincide with Congressmen's predilections."<sup>31</sup>

Other troubling aspects of the participation of interest groups in our political system derive from the confluence of the increasing costs and the consequent growth in the role of money with the diminishing influence of political parties in election campaigns. Special-interest groups have increasingly stepped into the breach. As John Brademas has suggested, "Such groups often concentrate on single issues about which they feel strongly, and they attempt to focus a congressional election solely on those issues."<sup>32</sup> This preoccupation with single issues is surely one of the more worrisome features of the U.S. political scene.

For better or for worse, with more than 2,000 special-interest group offices in Washington, this feature of our political system is solidly in place. Of course, not all interest groups are equal in terms of access or influence. Oleszek's conclusion, shared by many members and staff, is that an interest group's ability to influence congressional activities is based on several factors:

- The quality of arguments and information
- The size, cohesion, intensity of the organization's membership and the ability to marshal them
- The group's ability to develop alliances—temporary or permanent—with other organizations
- Its financial and staff resources
- The vision and shrewdness of its leaders<sup>33</sup>

Political action committees (PACs) have been established by various interest groups to raise and contribute funds to political campaigns. The continuing escalation in the costs of running for Congress has led many members and candidates to turn to special-interest groups, large numbers of which are willing to supply campaign money. The 1980s and 1990s have seen a mind-boggling growth in the number of PACs and in the amount and significance of their donations. This development was not foreseen when limitations were placed on individual contributions as part of the 1974 post-Watergate political reforms. John Brademas states that "to observe physical evidence of PAC power, one need only walk by a congressional committee room when legislators are writing the final version of a bill to see the host of lobbyists watching with interest and reporting every move that Representatives and Senators make."<sup>34</sup> However, the PACs themselves are watched carefully by the media and various self-appointed interest groups since, as part of the above-noted reforms, their activities are part of the public record.

## The Media

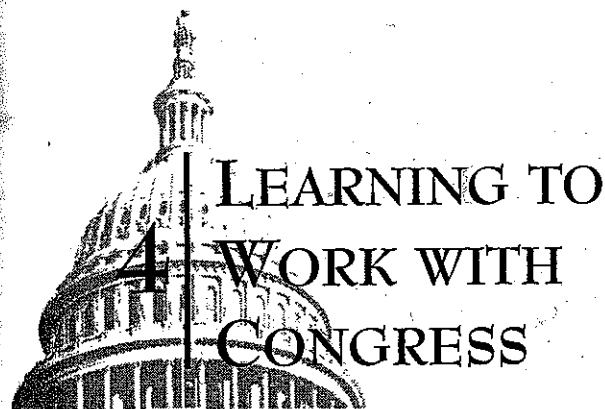
No single influence is more important to Congress than the media. To put it simply, members and staff live, in direct and important ways, by what they read, watch, and hear in the media—as well as by what they create for the media. This involvement ranges from current newspaper headlines and the nightly television news to intensively analyzed issues in small-circulation but influential journals.

There are a few periodicals, journals, and newsletters (see Appendix C) which cover congressional action on science and technology issues. In addition, many professional societies and associations (see Appendix F) have newsletters that provide information on legislative action on issues within their particular discipline.

## ENDNOTES

1. An important role of the Senate, the "advice and consent" function for presidential appointments and international treaties, is not discussed in this guide.
2. Much of the statistical data cited in this section is drawn from Norman J. Ornstein, Thomas E. Mann, and Michael J. Malbin, *Vital Statistics on Congress, 1995–1996* (Washington, DC: Congressional Quarterly Inc., 1996).
3. Roger H. Davidson and Walter J. Oleszek, *Congress and Its Members*, 3rd ed. (Washington, DC: CQ Press, 1990), p. 3. The summary treatment of congressional organization in this chapter follows that of Davidson and Oleszek.
4. *Ibid.*, pp. 31, 34.
5. The Constitution says nothing about political parties, but they were devised early in the history of the Republic as a practical matter to deal with political organization.
6. The term whip was adapted from usage that arose during the eighteenth Century in the British Parliament—as are many other procedures, customs and practices of the U.S. Congress. Originally used in fox-hunting, the whip kept the pack of hunters and dogs under control. The sense of the adaptation seems rather obvious, although a physical whip is no longer used—despite the occasional urge of a modern congressional whip to have such a capability.
7. Davidson and Oleszek, pp. 159–166.
8. *Ibid.*, pp. 167–176.
9. *Ibid.*, p. 195.

10. Ornstein, Mann, and Malbin, pp. 114-115.
11. Steven S. Smith and Christopher J. Deering, *Committees in Congress* (Washington, DC: CQ Press, 1984), p. 271.
12. Harrison W. Fox, Jr. and Susan Webb Hammond, *Congressional Staffs: The Invisible Force in American Lawmaking* (New York: The Free Press, 1977), p. 1.
13. Ibid.
14. Ibid., p. 2.
15. Davidson and Oleszek, pp. 218-219.
16. Ibid.
17. Fox and Hammond, pp. 157-159.
18. Walter J. Oleszek, *Congressional Procedures and the Policy Process* (Washington, DC: CQ Press, 1989), pp. 263-264.
19. Fox and Hammond, p. 122.
20. For a more in-depth discussion of these agencies, see Carnegie Commission on Science, Technology and Government, *Science, Technology and Congress: Analysis and Advice from the Congressional Support Agencies* (Carnegie Corporation of New York, New York, October 1991).
21. Davidson and Oleszek, p. 230.
22. Fox and Hammond, pp. 131-132.
23. Oleszek, p. 271.
24. Ibid.
25. Fox and Hammond, p. 133.
26. Fox and Hammond, pp. 134-135.
27. *A Profile of the Congressional Budget Office* (September 1990), pp. 1-9.
28. "CBO Manuscript Procedures," in *CBO Administrative Manual* (Washington, DC: Congressional Budget Office, n.d.), pp. 3-10.
29. Roger H. Davidson in Thomas E. Mann and Norman J. Ornstein, *The New Congress* (Washington, DC: American Enterprise Institute, 1981), p. 105.
30. Ibid., pp. 136-137.
31. E. Douglas Arnold in Mann and Ornstein, p. 280.
32. John Brademas, *Washington, DC to Washington Square* (New York: Weidenfeld and Nicolson, 1986), p. 157.
33. Oleszek, p. 41.
34. Brademas, pp. 158-159.



**T**his chapter offers guideposts on how to work more effectively with Congress in influencing its work as it may affect you or your organization. Remember, doing so is not a privilege; it is your right. But exercising your right effectively takes skill, knowledge, and practice. Formal and informal meetings with members and staff, telephone contacts, correspondence, and contacts with state and district offices are all discussed in this chapter. Hearings and testimony are covered in chapter five.

Many of these pointers are based on the discussions of the culture and workings of Congress in chapters two and three. In addition, these suggestions draw on the experiences and opinions of members of Congress, their staffs, and skilled professionals who work with Congress, much of which came out of questionnaires and personal interviews conducted expressly for this guide. In short, this advice is based on experience, some bitter and some sweet.

One important goal to keep in mind is to become a recipient of congressional requests for information or assistance. This is reflected in what one senior staff person said: "I live by my Rolodex." This individual and others emphasized how much they use the telephone in contrast to reading letters or reports. Members and staff operate within complex