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Collaboration in Congress (Yes, It Exists!)

> There's a perception out there that we all dislike each other. The reality is, on a lot of issues, we can work together.
>
> – Congressman Tom O'Halleran (D-AZ) (McPherson, 2019, p. 3)

President Trump, in 2018, disbanded the Global Health Security and Biodefense directorate within the National Security Council. The unit was created by President Obama in the aftermath of the 2014 Ebola outbreak to monitor global health risks and coordinate the government's response to future pandemics. When the Trump administration streamlined the National Security Council, the director of the unit was pushed out, and the other members of the team were absorbed into other units (Sun, 2018).

Representative Gerald Connolly (D-VA) worried the administration's action weakened the ability of the United States to respond to a global health crisis and decided a legislative response was needed. He directed his staff to draft a bill that would establish metrics for pandemic preparedness and codify a White House-level unit dedicated to monitoring and responding to global health threats.

Connolly knew his bill would be more likely to advance if he had a Republican coauthor. So he reached out to Representative Steve Chabot (R-OH), a colleague on the Foreign Affairs Committee with whom he had previously worked. Chabot shared Connolly's concerns about pandemic preparedness but objected to some of the details in the draft bill and was reluctant to do anything that might be interpreted as criticizing the president. Connolly could have walked away and introduced his preferred bill

version, but he knew it would not go anywhere. Instead, he directed his staff to sit down with Chabot's staff and work out a compromise bill. Though it took six months to agree on the legislative language, Connolly introduced the Global Health Security Act in 2018, with Chabot listed as a cosponsor.[1]

The original legislation died when the 115th Congress adjourned, but the issue remained unresolved, so Connolly decided to reintroduce the bill. He went back to Chabot, who was still supportive but wanted additional revisions, as did Representative Michael McCaul (R-TX), the ranking member of the House Foreign Affairs Committee. Now in the majority, Connolly no longer required Republican support to get the 218 votes needed to pass his bill on the floor, but he never thought to walk away from the collaboration with Chabot. He knew a bipartisan bill coauthored by two senior members of the Foreign Affairs Committee was still more likely to advance than a partisan version. Connolly worked with Chabot and the Foreign Affairs Committee leadership to craft mutually agreeable language and reintroduced the Connolly–Chabot Global Health Security Act in April 2019.[2] After the COVID-19 pandemic generated both attention and urgency on the issue, the House passed the Connolly–Chabot bill by voice vote in August 2020.[3]

The modern Congress is highly polarized and often struggles to pass significant legislation. Public displays of partisan rancor between members are increasingly common. Nevertheless, members routinely work together as Connolly and Chabot did on the Global Health Security Act. They actively seek colleagues to work with and look for opportunities to find common ground on policy, even if it means sharing credit, compromising their position, or supporting a member of the opposite party. These behaviors are unexpected under the dominant paradigm in legislative studies, which treats members as independent actors, assumes policy mirrors the preferences of its sponsor, and emphasizes gridlock and partisan conflict. Decades of social science research support this view of Congress, based primarily on the most visible activities: bill introductions and roll-call votes. It is inarguable that partisan conflict plays a significant role in Congress, but this is an incomplete picture of legislative behavior.

While party leaders are locked in battle over issues ranging from health care reform to raising the debt ceiling, rank-and-file members

[1] H.R. 7290 in the 115th Congress (2017–2018).
[2] H.R. 2166 in the 116th Congress (2019–2020).
[3] Personal communication with congressional staff, 2021.

work together on substantive policy initiatives that are important to their constituencies. These relationships make up what I call the "collaborative Congress," which exists alongside its more visible, partisan counterpart. While the partisan Congress draws the bulk of scholarly and media attention, much of the day-to-day work in the House of Representatives is characterized by bipartisanship, collaboration, and consensus. This more collegial and productive side of Congress is one in which members are concerned with problem-solving (Adler and Wilkerson, 2012a), routinely cosponsor legislation introduced by members of the other party (Harbridge, 2015), and pass legislation on a bipartisan basis (Curry and Lee, 2020). In this book, I further our understanding of the parts of Congress that still work in our polarized climate with the first in-depth study of collaboration in the US House. I leverage a new dataset of communications between members, qualitative interviews, and case studies to examine why members choose to coauthor policy initiatives with each other and how they benefit from doing so.

The aim of this book is threefold. First, I demonstrate that policy collaboration is widespread, despite expectations to the contrary. I identify collaborative relationships using "Dear Colleague" letters (DCLs), which reveal members who claim joint credit for legislation and other policy initiatives in the earliest stages of the policy process. With these data, I show that nearly every member of the House engages in collaboration across a broad array of issues. Second, I identify the strategic and political considerations influencing a member's decision to collaborate. Members want partners who can increase the likelihood of influencing policy, which often means reaching across the aisle. At the same time, they must be able to find someone who shares their concern on a given issue, is willing to work with them, and with whom they can agree on a solution. Finally, I show that collaborative legislation is more successful at every stage of the legislative process, from cosponsorship to enactment. Members of Congress work together because it is an effective way to create policy on important issues for their constituencies.

The Two Congresses

The purpose of this book is not to say that everything is just fine in the US House of Representatives. Polarization and partisan warfare are unquestionable elements of the modern Congress. Heated rhetoric and increasingly personal disagreements are commonplace between and within the parties. Bipartisan agreement on marquee policy initiatives is rare, from

comprehensive immigration reform to climate change, and Congress routinely struggles with its fundamental responsibility to fund the government, relying on continuing resolutions and omnibus appropriations, often at the last minute. It is not difficult to understand why Congress is frequently decried by journalists and scholars as the "broken branch" of the federal government (e.g., Mann and Ornstein, 2008; Rogers, 2015; Cheadle, 2019). However, this perspective does not tell the whole story.

I argue that two Congresses exist in Washington, DC. The partisan Congress, which draws the bulk of public attention, is characterized by messaging bills and party-line votes, with the parties locked in competition over the hearts and minds of the American public. When the House of Representatives votes thirty-four times in a single Congress to repeal or limit the implementation of the Affordable Care Act and sends partisan voting rights legislation to the Senate, knowing that it will die without bipartisan support, this is the partisan Congress in action. Party leadership aims to gain or maintain majority party status, which requires them to score political points by prioritizing partisan issues, avoiding compromise, and forcing the other party to take politically unpopular positions (Lee, 2016). Whether it is because members assume there is no possibility of finding common ground on these divisive issues or because they care more about political wins than changing policy, this is not an environment in which collaboration flourishes.

Nevertheless, while the House leadership focuses on partisan priorities, many members work together to advance policies that are important to their supporters. When the unlikely duo of Representatives Rashida Tlaib (D-MI) and Mark Meadows (R-NC) team up to pass the Representative Fraud Payee Prevention Act, this is the work of the collaborative Congress, which is characterized by collegiality, compromise, and modest policy changes.[4] The House spends half of each week voting on legislation that requires the support of two-thirds of members, which provides ample room on the agenda for bipartisan legislation like the Tlaib–Meadows bill or the Langevin–McMorris Rodgers Lifespan Respite Care Reauthorization Act.[5] Some may dismiss such bills as unimportant, but protecting vulnerable people from financial abuse and funding respite services for caregivers of special needs family members are hugely important to those affected. The collaborative Congress produces more significant legislation as well, from ensuring continued

[4] H.R. 5214 in the 116th Congress (2019–2020).
[5] H.R. 8906 in the 116th Congress (2019–2020).

funding for the Temporary Assistance for Needy Families (TANF) program to the annual National Defense Authorization Act (NDAA).[6]

Research on the partisan Congress has taught us a great deal about congressional dysfunction, from the causes and consequences of polarization to the decline of grand legislative compromises. As the Democratic and Republican parties become increasingly cohesive and more distinct from each other, power is centralized in the party leadership (Rohde, 1991). This centralization means the majority party leadership has significant control over which bills are considered on the floor and how they are considered. House leadership routinely blocks legislation, utilizes highly partisan procedural rules, withholds information on pending legislation, and generally limits opportunities for rank-and-file members to shape legislation (Cox and McCubbins, 2005; Theriault, 2008; Curry, 2015; Sinclair, 2016). Additionally, the fight for control of the House has become significantly more competitive, and the pursuit of majority party status is a critical component of the leadership's responsibilities. Messaging votes are increasingly common as the two parties work to distinguish themselves, particularly if they can make the other party look bad in the process (Lee, 2009, 2016). Both parties respond to the strategies of the other, creating a sort of arms race of partisanship in the pursuit of electoral victory. Party leadership expects loyalty not only on policy positions but also on procedural votes, speeches, and fundraising (Sinclair, 2014; Pearson, 2015; Koger and Lebo, 2017).

Bipartisanship and compromise are disincentivized in the partisan Congress, and messaging is often prioritized over legislating. Yet nearly every member of the House collaborates with their colleagues. Between 2003 and 2010, 98 percent of members worked with at least one other member on a policy initiative, and 97 percent of members worked with someone in the other party. The median member collaborated with about eighteen of their colleagues, eight of whom were in the other party.[7] Furthermore, nearly half of the DCLs sent over this period reflect an underlying collaboration on a wide variety of substantive policy initiatives, from legislation to letters to the administration. The collaborative Congress is not some niche group of legislators working on a narrow range of issues but a core component of the day-to-day work of the average representative. As an anonymous Republican member described,

[6] H.R. 430 and H.R. 6395 in the 116th Congress (2019–2020), respectively.

[7] Of the 614 members who served in at least one Congress between 2003 and 2010, twelve members had no observed collaborative relationships, and an additional eight had only partisan collaborative relationships.

"No matter what it seems, we don't hate each other. We are civil, we try to get to know each other, and most of us work hard to find areas of agreement, things that we can make progress on" (Warren, 2014).

The co-existence of the partisan and collaborative Congresses can be observed in the aftermath of the January 6th insurrection in the US Capitol. Tensions on Capitol Hill were high, to say the least. Multiple Democrats declared they would no longer work with Republican members who voted against certifying the election of President Biden. Representative Brad Schneider (D-IL) told Representative Jody Hice (R-GA) that he could no longer work with him on a task force they founded together without "an affirmative statement that Joe Biden is the legitimate president of the United States and the 2020 election was an honest and fair election" (Caldwell, 2021). Representative Jason Smith (R-MO) took to Twitter to publicly criticize Representative Cindy Axne (D-IA) after her staff told his office that they would no longer work together on a health care bill, "given your boss's position on the election."[8] This sort of interparty conflict is typical of the partisan Congress and supports the common assumption that members cannot possibly work together.

Yet within months, many Democrats were once again collaborating with Republicans who contested the 2020 election results. Schneider and Hice sent out a press release in May 2021 announcing the introduction of a collaborative bill requiring the EPA to increase emissions standards for ethylene oxide, a known carcinogen.[9] While Axne has not resumed her collaboration with Jason Smith, she has worked with several other members who did not vote to certify Biden's election, including Representatives Jack Bergman (R-MI), Adrian Smith (R-NE), and Mike Kelly (R-PA). Other members, such as Representative Susan Wild (D-PA), never stopped working with their Republican colleagues and simply avoided discussing the election with them (Edmondson and Broadwater, 2021). Collaborating with their Republican colleagues does not mean Schneider, Axne, and Wild agree with them on the election results; they are prioritizing the possibility of policy gains over partisan politics.

Despite the ongoing competition for majority party status, members routinely work with their colleagues across the aisle, even if it means providing a vulnerable member with a "win" for their reelection campaign. While partisan conflict and messaging bills dominate the leadership's

[8] January 26, 2021 tweet from @RepJasonSmith.
[9] May 28, 2021 press release titled "Schneider, Hice Introduce Bipartisan Bill to Strengthen Ethylene Oxide Standards and Protect Public Health."

agenda, individual members find common ground on substantive policy initiatives. Harbridge (2015) makes a compelling argument that the majority party leadership allows these bipartisan bills onto the agenda to show they are capable of governing, but that explains only one piece of this puzzle. We have little understanding of why individual members choose to collaborate or how their collaborative endeavors come together. Throughout this book, I demonstrate that members across the ideological spectrum work together on substantive issues when given both opportunity and incentive. Most importantly, these relationships have a real impact on congressional policymaking as collaborative legislation is more likely to advance at every stage of the legislative process, even in a highly polarized and partisan environment.

If the partisan Congress explains why Congress is broken, the collaborative Congress can help us understand why it works. Improving Congress's capacity to legislate and address pressing societal problems requires an understanding of not only the conditions that impede policymaking but also those that foster it. Members may fiercely oppose each other on the issues that dominate the partisan Congress but still find common ground in other areas when they are motivated to do so. They are willing to compromise their position, share credit, and help colleagues in the opposing party because members who work together are more successful than members working independently. Understanding how and why members come together to form these relationships in a polarized Congress is crucial for understanding how to improve the policymaking capacity of Congress.

The Value of Collaboration

Why do members of Congress choose to work together – and with members of the other party – in a polarized and majoritarian institution? The central argument of this book is that collaboration is a function of both a member's self-interest and interdependence within Congress. That is, a member must not only expect to benefit from collaborating on a given issue, but they must also be able to find a partner whom they expect to be an asset and who has a similar assessment of the potential collaboration. The result is that collaboration occurs when two members expect the potential payoffs of working together to be significant and can minimize the costs of finding and negotiating with a colleague. Thus, understanding the decision to collaborate begins with assessing what members can gain from working together.

While writing this book, I interviewed twenty-two congressional staff members and had informal conversations with several more.[10] Throughout these conversations, staff articulated a wide variety of benefits to collaboration, but the most consistently emphasized was that collaborative legislation is easier to pass. Collaboration is essential for members of the minority party and those who want to work on an issue outside their committee's jurisdiction. But majority party members also benefit, as collaborative policies are easier to push through the institutional structure of Congress. As I show in Chapter 7, collaborative legislation is nearly twice as likely to pass on the House floor and be enacted than noncollaborative legislation. Members know that they are more successful when they work together, which is why twenty-one of the twenty-two interviewees cited an increased likelihood of achieving their policy goals as a benefit of collaboration.[11]

Legislative success was far from the only benefit cited. Beyond improving the likelihood of advancing a policy, staff comments on the benefits of collaboration generally fall into one of three categories: (1) branding, (2) relationship building, and (3) quality enhancement. Collaboration is often considered antithetical to branding, as branding requires a distinct identity, and collaboration can blur the lines between the actors involved (Tschirhart, Christensen, and Perry, 2005). Newt Gingrich famously seized upon this dynamic when he was elected to the House of Representatives in 1978, criticizing Republican members for compromising with the Democrats and engaging in aggressive partisan warfare to distinguish the parties and reclaim the majority (Theriault, 2013). At the same time, collaboration can facilitate branding if "willingness to work with others" is a distinct identity. Collaborating – particularly with members of the other party – can allow individual members to distinguish themselves from the "dysfunctional Congress" in the eyes of their constituents. As expressed by one staff member, "People just want to see that [Representative B] is trying to do something, when 99 percent of Congress does nothing."[12]

Relationship building is also a common theme in the interview data. One of the more widely held beliefs on Capitol Hill is that Congress

[10] I discuss the interviews in more detail in Chapter 2.

[11] The one exception was a staff member who described their boss as a "rogue member" and said their office was focused primarily on messaging bills and working with outside interests.

[12] In the grand tradition of Fenno (1978), I refer to the members in the interview pool by randomly assigned letters to preserve the anonymity of staff.

would function better if members still lived in Washington, DC, with their families, as many did prior to the 1995 changes in the congressional schedule (e.g., Miller, 2011; Coleman, 2018). Although there is little evidence to support the idea that civility in Congress would increase if the children of members played on the same Little League teams, the underlying idea that sustained interactions facilitate social capital and trust is well documented in the social sciences (e.g., Putnam, 2000; Estlund, 2003). For some members, working together on a policy initiative is a way to build and strengthen relationships within the House. Helping a colleague on one issue may lead to reciprocity on another. Actively cultivating relationships builds a network of potential support for future endeavors. As a junior member, Representative E used collaboration to get her foot in the door and establish trust with more senior colleagues because "when a member trusts another member and the work that they do, they're more likely to open your mail."

Finally, collaboration is commonly viewed as a normative good. Evidence that collaborative endeavors are high quality exists in an array of fields, including scientific research, business management, health care, and public administration (e.g., Jones, Wuchty, and Uzzi, 2008; Daugherty et al., 2006; Levin and Fleischman, 2002; Thomson and Perry, 2006). Collaboration facilitates the sharing of knowledge and stimulates creativity by bringing together individuals with different perspectives (Katz and Martin, 1997). Multiple actors working together to solve a problem produce better solutions than individuals working alone. In the congressional context, members benefit from their colleagues' expertise and the process of working together. The idea that collaboration can improve the quality of a proposal was expressed by six offices, most succinctly by Representative H's staff: "The best way to enact public policy is to write policy that has broad support."

The value of collaboration is based not only on its benefits but also on its costs. First and foremost, a member must be able to find a colleague willing to work with them on a given issue. Yet it is not enough to find any member willing to collaborate, as the choice of partner influences the expected benefits. For example, a moderate member looking to develop a bill with broad, bipartisan support may be better off working alone if the only colleagues who want to work with them on that issue are more ideologically extreme co-partisans. Choosing the wrong partner can send the wrong signals, lead to poor decisions, and in some cases, cause the whole endeavor to fail (Katz and Martin, 1997; Bahrami et al., 2010). Therefore, members look for partners who will help them achieve their

goals and assess their suitability on a range of dimensions, from committee membership to personal reputation. Once members have decided they would likely benefit from working together, they must meet and work out the details of the proposal. The costs of collaboration must also account for the time it takes to negotiate the particulars of a policy and the need to compromise, as members may have to move away from their preferred policy positions to reach an agreement that keeps everyone on board. The relationship will fall apart if they cannot find the time or fail to work out their differences.

Consider again the example of the Connolly–Chabot Global Health Security Act. For Connolly, identifying Chabot as a partner was relatively straightforward as he was a member of the opposite party who sat on the relevant committee and had successfully worked with Connolly in the past. There were still costs of the collaboration; Connolly had to compromise on his preferred language and it took longer for the two members to agree on the legislative language than it would have taken Connolly to introduce his own version of the bill. However, he obviously considered these costs to be minimal relative to the potential benefits because the likelihood of passing the bill was significantly higher than if Connolly had introduced it alone. Most importantly, Chabot made a similar assessment and came to the same conclusion; working with Connolly was likely to lead to a net positive outcome. Furthermore, their work clearly paid off as the House passed their bill with minimal objections.

Collaborative legislation is more likely to advance at every stage of the legislative process, which is a strong incentive for members to try and find common ground on policy solutions. Even if the initiative is unsuccessful, collaboration allows members to brand themselves as problem-solvers, facilitates relationships, and results in better proposals. However, it also requires that members find someone to work with who is similarly motivated, will support their goals, and with whom they can reach an agreement. Thus, while nearly every member collaborates, and many find considerable success from doing so, the particulars of these trade-offs vary considerably across members, pairings, and issues.

The Secret of Collaboration

If collaboration is widespread in Congress, why do we know so little about it? There are several reasons, but here I focus on two: (1) collaborative relationships are exceptionally challenging to measure and (2) the House of Representatives is more commonly viewed as a collection of