

March 9, 2016

The Honorable Mitch McConnell  
Majority Leader  
U.S. Senate  
Washington, DC 20510

The Honorable Harry Reid  
Minority Leader  
U.S. Senate  
Washington, DC 20510

The Honorable Paul D. Ryan  
Speaker of the House  
U.S. House of Representatives  
Washington, DC 20515

The Honorable Nancy Pelosi  
Democratic Leader  
U.S. House of Representatives  
Washington, DC 20515

Dear Majority Leader McConnell, Minority Leader Reid, Speaker Ryan and Democratic Leader Pelosi:

We the undersigned, as close observers of Congress deeply invested in the health of the institution, are writing to urge the creation of a Joint Committee on the Capacity of Congress. The purpose of this Joint Committee would be to review the staffing levels of Congress, especially for Congressional committees, as well as review the current salary levels and to make recommendations on the appropriate staffing levels of Member and Committee offices and on how to attract and retain professional staff. As organizations and individuals concerned about the ability of Congress to fulfill its constitutional duties, we are deeply worried that the current funding and staffing levels are woefully inadequate for Congress to effectively function.

#### **CURRENT STAFFING & SALARY LEVELS**

Congress has tremendous responsibilities. It raises and allocates funds for a \$3.7 trillion federal budget<sup>1</sup> – almost a quarter of the U.S. GDP. It is responsible for writing the laws for a country of 320 million people, and for the largest economy in the world (the U.S. accounts for about one-sixth of the global GDP). Congress is also responsible for overseeing the activities of over two million federal government employees across an estimated 120 agencies and 60 “independent” commissions.<sup>2</sup>

As of 2014, the U.S. House employed 9,175 individuals (along with 435 Members). That is fewer than the 9,341 individuals the U.S. House employed in 1980<sup>3</sup> – when the demands on Congress were far less.

The Senate has increased its staffing levels from 3,913 to 5,758 during this time period, though almost all of that increase came between 1980 and 1994, when the Senate had 5,476 staff positions.<sup>4</sup> Moreover, both the House and Senate have been decreasing the

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<sup>1</sup> The 2015 Federal budget was \$3.7 trillion.

<sup>2</sup> Kevin Kosar, “How to Strengthen Congress,” *National Affairs*, Fall 2015.

<sup>3</sup> Lara E. Chausow, R. Eric Petersen, and Wilhelm Amber Hope, “House of Representatives Staff Levels in Member, Committee, Leadership, and Other Offices, 1977-2014” (Washington, D.C.: Congressional Research Service, March 19, 2015).

<sup>4</sup> Lara E. Chausow, R. Eric Petersen, and Amber Hope Wilhelm, “Senate Staff Levels in Member, Committee, Leadership, and Other Offices, 1977-2014” (Washington, D.C.: Congressional Research Service, March 19, 2015).

number of staff devoted to policy, using more staff positions to handle constituent work and press, where the demands have increased tremendously.<sup>5</sup>

The most notable declines have been in committee staff. This is particularly problematic, because committees are where the substantive work of policy development and oversight happen. The declines in committee staffing have been especially striking in the House, where committees are now at about half of their 1980 staffing levels.<sup>6</sup>

So, while the world has become far more complex, while policy has become far more complex, while constituent and media demands have expanded, while the executive branch has grown considerably, and while lobbying has grown dramatically, Congress has allocated fewer staff to keep up.

But simple counts of staff only tell part of the story. It's not just that Congress has not hired more people. It's also paying the people it does hire less and less. Consider the following changes between 2009 and 2013, based on CRS reports (Salaries are listed in constant dollars).<sup>7</sup>

In the House:

- Median pay for House "Counsel" positions declined from \$74,925 to \$59,555, down 20 percent.
- Median pay for House "Legislative Director" positions declined from \$93,013 to \$81,177, down 13 percent.
- Median pay for House "Legislative Assistant" positions declined from \$55,643 to \$48,622, down 13 percent.

In the Senate:

- Median pay for Senate "Counsel" positions declined from \$98,063 to \$84,424, down 14 percent.
- Median pay for Senate "Legislative Director" positions declined from \$148,288 to \$131,912, down 11 percent.
- Median pay for Senate "Legislative Assistant" positions declined from \$72,859 to \$66,606 down 9 percent.

And because salaries are low, especially by Washington, D.C. standards, staff turnover is high. This means that Congress increasingly relies on younger and younger staffers to handle key policymaking responsibilities.

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<sup>5</sup> Lee Drutman and Steven M. Teles, "A New Agenda for Political Reform," *The Washington Monthly*, May 2015, [http://www.washingtonmonthly.com/magazine/marchaprilmay\\_2015/features/a\\_new\\_agenda\\_for\\_political\\_ref054226.php?page=all](http://www.washingtonmonthly.com/magazine/marchaprilmay_2015/features/a_new_agenda_for_political_ref054226.php?page=all); Paul Singer and Jarrad Saffren, "House Press Offices Expand as Other Staffs Shrink," *USA TODAY*, July 1, 2014, <http://www.usatoday.com/story/news/politics/2014/07/01/house-staff-cuts-communications-press/11425389/>.

<sup>6</sup> Drutman and Teles, "A New Agenda for Political Reform."

<sup>7</sup> R. Eric Petersen, Lara E. Chausow, and Amber Hope Wilhelm, "Staff Pay Levels for Selected Positions in Senators' Offices, FY2009-FY2013" (Washington, D.C.: Congressional Research Service, November 3, 2014); R. Eric Petersen, Lara E. Chausow, and Amber Hope Wilhelm, "Staff Pay Levels for Selected Positions in House Member Offices, 2009-2013" (Washington, D.C.: Congressional Research Service, November 3, 2014).

In a 2010 survey, the Congressional Management Foundation found that half of House Legislative Directors had been in their position for fewer than three years, and 80% had been in their position for fewer than six years.<sup>8</sup> Meanwhile 72% of Legislative Aides had been in their position for fewer than three years, and 45% of offices only had a single legislative aide, while 36% had only two.<sup>9</sup>

Out of a \$3.7 trillion federal budget, we spend a mere 0.05% (\$2 billion) on Congressional staff. Put another way, 99.95% of the federal budget goes to things other than Congressional staff. That \$2 billion is also considerably less than the \$3.2 billion a year spent on *reported* lobbying (which is at most half of the actual lobbying that takes place in Washington). Google (about 57,000 employees) has about four times as many staff as the House and the Senate *combined* have (about 15,000).

### **GIVING THE REVOLVING DOOR A SPIN**

While many of the young congressional staffers are bright and energetic, it is difficult to become anything close to an expert on the remarkable range of complicated policy topics that a congressional office is expected to weigh in on.

It is also difficult to accumulate much institutional knowledge about issues and procedures. It takes years to even begin to understand how the place really works – the ins and outs of the personalities and procedures, the rhythm and the culture. By the time most staffers have acquired the knowledge and relationships that would help their bosses to be effective, they are typically burnt out and eager to make some real money, taking with them the institutional knowledge they've obtained, and leaving a new fresh-faced staffer to learn on the job once again.

As one congressional staffer has put it: “If you wanted a legislative branch run by K Street lobbyists and 25 year-old staffers, mission accomplished.”<sup>10</sup>

Often the next job for a departing staffer is lobbying. As one staffer-turned lobbyist has explained, “As you get older working on the Hill you realize, one, that you need more money, that you'd like to have more money to support your family, and secondly, it's time to move on. Capitol Hill can be very draining.”<sup>11</sup>

Another staffer-turned lobbyist put it this way: “It's tough to live off the government paycheck. You make so little money. One of the big things that's wrong with the system is that somebody finally learns their job and then they have to move on, so you have a bunch of young folks who turn to lobbyists to figure out their jobs.”<sup>12</sup>

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<sup>8</sup> Congressional Management Foundation, “2010 House of Representatives Compensation Study,” 2010,

<sup>9</sup> Congressional Management Foundation, “2010 House of Representatives Compensation Study,” 2010,

<sup>10</sup> Shawn Zeller, “Congress Is Good at Shrinking One Part of Government,” *Roll Call*, January 20, 2015, [http://www.rollcall.com/news/congress\\_is\\_good\\_at\\_shrinking\\_one\\_part\\_of\\_government-239368-1.html?zkPrintable=true](http://www.rollcall.com/news/congress_is_good_at_shrinking_one_part_of_government-239368-1.html?zkPrintable=true).

<sup>11</sup> Lee Drutman, *The Business of America Is Lobbying: How Corporations Became Politicized and Politics Became More Corporate* (New York, NY: Oxford University Press, 2015), 32.

<sup>12</sup> *Ibid.*

The Congress-to-K Street pipeline has been well-documented.<sup>13</sup> While there are many reasons why staffers leave, the poor salaries and excessive demands on staff tend to stand out. Job pressure is high, in part because staffers are expected to do a wide range of things in perpetually understaffed offices. As Congress becomes more dysfunctional, it also just becomes a less fun place to work. Staffers might be willing to put off the money for the excitement of actually making laws and solving public problems. But when the best you can hope for is to build a Facebook following for your member, the job becomes far less appealing.

This Congress-to-K Street pipeline raises a number of fundamental questions about the independence of congressional staff.

One widely stated concern is that because staffers are eager to ingratiate themselves with potential future employers, they try to build good relationships with private lobbyists, thus potentially providing an unfair advantage to favored lobbying interests. This would obviously be much less of a concern if congressional jobs were more sustainable, and staffers didn't have to constantly worry about what comes next.

### **CONGRESS' INTERNAL CAPACITY**

The biggest concern is that *when Congress lacks its own internal policy capacity, offices have to turn elsewhere for it*, whether staffers want to or not. And since Congress has effectively become a farm league for K Street, congressional staffers turn to lobbyists to help them understand basic details of policy.

Behind the steady stream of press reports about lobbyists writing bills and handing members talking points lies the day-to-day reality of life in a Congressional office – few staff have both the time and expertise to actually make policy. Instead, they are forced to rely on whatever help they can get, even if they know that help is biased. And the less Congress invests in its own capacity, the more it is forced to rely on the help that is freely offered by the endless lobbyists who show up, happy to be the ones to inform Congressional offices.

For a Congress concerned about maintaining the trust of the American people, this is an incredible dereliction of duty. While there are certainly valuable reasons to consult lobbyists for ideas and information, we fear that Congress's shrinking capacity has created something closer to a full outsourcing.

The American people may be nominally electing their own representatives. But the day-to-day reality is that those representatives do not have the resources to be either delegates or trustees. Instead, they rely on the private lobbyists who understand the policy and process on their set of issues far better than most staffers since, with few exceptions, the lobbyists are far more experienced and knowledgeable about those issues.

### **THE LOST OVERSIGHT CAPACITY**

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<sup>13</sup> Bruce E. Cain and Lee Drutman, "Congressional Staff and the Revolving Door: The Impact of Regulatory Change," *Election Law Journal: Rules, Politics, and Policy* 13, no. 1 (March 1, 2014): 27–44, doi:10.1089/elj.2013.0213.

By failing to address the staffing and salary issues noted above, Congress has dangerously undermined its ability to be a check and a balance on the executive branch. Many members of Congress spend considerable time complaining about the expanding power of the executive branch. But without adequate capacity to perform comprehensive oversight, current Republican frustration over executive branch activity has largely been constrained to a handful of high-profile theatrics.

As Kevin Kosar of the R Street Institute has written, “While the president and other executive agencies took action, Republicans were left spluttering over Obama’s power grabs. It is easy to criticize the president for overreach, but that would fail to account for the more fundamental problem: Congress has not been the dominant branch for decades. The executive surpassed it long ago.”<sup>14</sup>

For those worried about wasteful government spending, even a modest investment in legislative branch capacity can yield significant savings. In a 2012 report defending the GAO, Coburn wrote, “If the GAO is compromised by excessive cuts, where else can Congress turn to find unbiased data to improve programs and save money?” Coburn estimated that every \$1 spent on the GAO produces \$90 in savings recommendations. At Coburn’s behest, the GAO has produced annual reports since 2011 detailing wasteful and duplicative federal programs.<sup>15</sup>

For those concerned about regulatory complexity, it is important to remember policy simplification doesn’t happen on its own. Few would dispute that the U.S. Code of Federal Regulations is over-run with needless complexity, or that the tax code (at an estimated 3.8 million words) is, in the phrasing of former Rep. Bill Frenzel (R-MN) “a hopelessly complex mess, antithetical to growth, and is crammed with conflicting incentives, which screams for reform.”<sup>16</sup>

But simplification takes more than just complaining that there’s too much regulation or the tax code is too long. To achieve tax and regulatory simplicity will require considerable investment in policy capacity – especially considering that a large number of lobbying interests that have strong stakes in the *status quo*.

### **CONGRESSIONAL REHABILITATION REQUIRES STAFF**

Recently, Senator Mike Lee (R-UT) announced the start of the “Article 1 Project,” which he described as “a new *network* of House and Senate conservatives working together on a new *agenda* of government reform and congressional rehabilitation.”<sup>17</sup> “The premise of the Article I Project is simple,” Senator Lee explained. “The federal government is broken, and congressional weakness is to blame.”<sup>18</sup>

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<sup>14</sup> Kosar, “How to Strengthen Congress.”

<sup>15</sup> Thomas Coburn, *Shooting the Messenger: Congress Targets the Taxpayers’ Watchdog* (CreateSpace Independent Publishing Platform, 2012).

<sup>16</sup> Bill Frenzel, “The Tax Code Is A Hopeless Complex, Economy-Suffocating Mess,” *Forbes*, April 4, 2013, <http://www.forbes.com/sites/billfrenzel/2013/04/04/the-tax-code-is-a-hopeless-complex-economy-suffocating-mess/>.

<sup>17</sup> Mike Lee, “Make Congress Great Again” (Washington, D.C, February 3, 2016), <http://www.lee.senate.gov/public/index.cfm/2016/2/make-congress-great-again>.

<sup>18</sup> *Ibid*.

But while Senator Lee's project has laid out an ambitious agenda for congressional re-assertion over spending, regulation, executive discretion, his efforts so far have made no mention of whether Congress has the capacity to do this independently from outside lobbying interests. In thinking about congressional capacity, however, Senator Lee may wish to pay some attention to what some of his fellow Republicans told the House Administration Committee in February 2015.

House Judiciary Chairman Robert W. Goodlatte, (R-VA) had this to say: "To attract and retain quality staff, the committee must be able to offer compensation that is at least somewhat competitive with the private sector. This is particularly challenging when a disproportionate number of committee staff are attorneys with substantial experience and public policy expertise who could command higher salaries from the private sector."<sup>19</sup>

Then serving as Ways and Means Committee Chair, Speaker Paul Ryan said: "The committee needs to add staff, particularly tax, health care and the economics fields, to meet these responsibilities. We just can't do the best job if we don't have the resources."<sup>20</sup> Ryan requested a 4% increase for his committee's budget.

Yet, despite these sensible pleas, the last few years have been especially brutal on Congressional staff budgets. Consider that in 2013, 62% of senior managers on the Hill surveyed by the Congressional Management Foundation agreed with the statement that "I have too much to do to do everything well." That was double the percentage who agreed with that statement in 2011.<sup>21</sup> During the same period (2011-2013), the percentage of staffers saying they would be looking for a new job in the next twelve months rose from 30% to 38%<sup>22</sup>

The latest round of House and Senate staff budget cuts have done continued damage to the ability of Congress to attract and retain quality staff. And without staff, Congress can't do its job. And the functioning of our democracy suffers as a result.

### **WHAT SHOULD BE DONE**

We strongly urge the creation of a Joint Committee on the Capacity of Congress. The purpose of this Joint Committee would be to review the staffing levels of Congress, with special attention of Congressional committees, as well as review the current salary levels and to make recommendations on the appropriate staffing levels of Member and Committee offices and on how to attract and retain professional staff.

The Joint Committee should have representatives from the bipartisan leadership of the Senate and House. One possible formation would have the Joint Committee co-chaired by the Chair and Ranking Members of the Senate Rules Committee and the House Committee

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<sup>19</sup> Bridget Bowman, "After Years of Cuts or Freezes, Committee Leaders Hope to Bolster Budgets," *Roll Call Blog: Hill Blotter*, February 10, 2014, <http://blogs.rollcall.com/hill-blotter/committee-leaders-hope-to-bolster-committee-budgets/?pos=oopih>.

<sup>20</sup> *Ibid.*

<sup>21</sup> Congressional Management Foundation, "Managing Changes in Budgets and Benefits," January 13, 2014, <http://www.congressfoundation.org/news/blog/1048-managing-changes-in-budgets-and-benefits>.

<sup>22</sup> *Ibid.*

on Administration. Also on the Joint Committee should be the Chairs and Ranking Members of the Senate and House Appropriations Committees and the Chairs and Ranking Members Legislative Branch Appropriations Subcommittees. Staffing for the Joint Committee should, in addition to designated staff from the offices noted above, include representatives of the Congressional Research Service and the Government Accountability Office.

This 10-member Joint Committee could be tasked to meet for one year, during which time it would review staffing levels for Committees and for personal offices and make recommendations for changes to ensure appropriate levels. The Joint Committee would also review salary levels and consider providing additional guidance to Senators and Representatives to regularize staff salaries. The Joint Committee should hold at least two public hearings with the opportunity to hear from outside experts and interested parties. The Joint Committee should then issue a public report on its recommended changes.

The Joint Committee should also review whether it would be appropriate to clarify rules governing the tracking of staff time in personal offices and to strengthen existing prohibitions on the congressional staff working for campaigns. The current rules are weak and too often ignored with impunity. The public may be more willing to support increases in staff numbers and salaries if there are stronger rules to ensure staffers are not being used to protect incumbency advantage, but rather are serving the taxpayers who pay the staffers' salaries.

### **CONCLUSION**

For decades, Washington wags have been saying we have the best democracy money can buy. But actually, it's just the opposite. Congress has been doing government on the cheap for decades. And we get what we pay for. Every successful company in the economy knows that in order to succeed, it needs to find and keep the most talented employees, which means paying people well. Likewise, for Congress to succeed, its members also need to be able to pay to attract and retain the most talented employees.

As the richest nation in the world, we can and should afford to spend a little more to make sure we have some of the smartest, most experienced people in the world making our laws.

We would be happy to discuss this matter further if you have any questions.

Sincerely,

**Lee Drutman**  
New America Foundation

**Meredith McGehee**  
Campaign Legal Center

**Kevin Kosar**  
R Street Institute

**Thomas E. Mann**  
Brookings Institution

**Norman J. Ornstein**  
American Enterprise Institute

cc: - Chairs and Ranking Members, Senate and House Appropriations Committees  
- Chairs and Ranking Members, Senate and House Legislative Branch Appropriations Subcommittees  
- Chairs and Ranking Members, Senate Rules Committee and House Committee on Administration