

TESTIMONY FROM BRADFORD FITCH, PRESIDENT & CEO, CONGRESSIONAL MANAGEMENT FOUNDATION

TO

SELECT COMMITTEE ON THE MODERNIZATION OF CONGRESS

MAY 6, 2021

Mr. Chairman, Mr. Vice-Chairman, and Members of the Committee. I'm Bradford Fitch, President and CEO of the Congressional Management Foundation, and I am grateful to have this opportunity to testify before this Committee on the topic of congressional staff capacity. As you know, throughout CMF's 44-year history, supporting congressional staff has been a core component of our mission. We heartily applaud the Committee's interest and exploration of this topic and hope CMF can contribute to the creation and implementation of Committee recommendations that will improve the professional development of congressional staff, increase job retention among staff, and enhance the congressional work environment to reinforce Congress as a viable, long-term career for dedicated public servants, as opposed to a stepping stone to better paying jobs in Washington and throughout the country.

This testimony is based on quantitative data CMF has collected from congressional staff, as well as qualitative data collected in our direct work with staff through training programs and our work with individual congressional offices. In Members' personal offices, work in Congress typically starts as an intern in college, which may then lead to an entry-level position. Many staffers often quickly leave due to the punishing schedule, comparatively low pay, high stakes, and/or public derision. In fact, according to the "2019 House Compensation and Diversity Study Report," staff in Member offices have been in the position for 2.5 years on average while staff in committee and leadership offices average 2.7 years in position.

That means most of the key staffers on Capitol Hill—the ones who directly support the policy and constituent engagement work of Senators and Representatives—are fairly new to their jobs. This has been the case for at least 10 years.

To be sure, most people who apply for a job in Congress don't do it for the money. In our research for the "Life in Congress" project (a collaboration by CMF and SHRM, the Society for Human Resource Management) staff cite the meaningfulness of their work, their desire to help people, and their dedication to public service as the top reasons for staying in their jobs. However, their reasons for leaving their jobs have mostly to do with low compensation and the human resource infrastructure. Their desire to earn more money is the top reason staff cite for leaving their job. This is hardly surprising given that congressional salaries have largely remained stagnant or declined in the past decade, putting Congress at a significant disadvantage compared to other employers. A Legislative Assistant in the House with three years of experience or more could easily increase their pay by 25 to 50 percent if they move to a trade association or a lobby shop. A Senate Chief of Staff can triple their salary in a few years after leaving Capitol Hill.

Staff cite inadequate opportunities for professional development almost as often as the desire to earn more money as a reason they leave their jobs. Congressional staffers are well-educated, motivated, ambitious employees who want their careers to progress. With little consideration given to professional development on Capitol Hill, the best way for staff to advance is to leave their jobs or leave Congress.

Turnover on Capitol Hill results in costs to the institution. Institutional memory, policy expertise, and process knowledge all are damaged. There is also significant time and expense associated with continuously hiring and onboarding new employees. Turnover also leads to loss of productivity and disruption to teams and workflows. However, unlike any other workplace, a limited infrastructure exists to manage these problems or quickly get new staffers trained and productive on their jobs. It isn't hard to infer that the resulting problems directly impact the public policy that affects the entire nation.

Consider looking at Congress and the entire public policy arena as a three-way competition between the Executive Branch, the Legislative Branch, and the private sector. CMF conducted a quick analysis of representative staff from these three areas who all worked on a recent National Defense Authorization Act (NDAA), a bill passed annually. The key Executive Branch representative had 30 years of experience and was paid nearly \$200,000. The staffer working for a Member of the House Armed Services Committee had four years of experience, and was paid one-third that amount. And the lobbyist for a defense contractor who worked on the bill had 30 years of experience and was paid 10 times what the House Legislative Assistant was paid. Put simply, Congress is significantly overmatched in the public policy arena.

And congressional staff themselves recognize this problem. In 2016 CMF conducted a survey of senior staff in U.S. Senators' and Representatives' offices to understand their perceptions of certain aspects of congressional performance, which resulted in our 2017 report, "State of the Congress: Staff Perspectives on Institutional Capacity in the House and Senate." We surveyed staff on 11 key aspects relating to institutional capacity and public access. We asked staff how important each aspect was for the effective functioning of their chamber, and how satisfied they were with their chamber's performance for that aspect.

Almost all of the respondents to our survey considered staff knowledge, skills and abilities to be important to their chamber's effectiveness, and 83% felt it to be "very important." However, only 15% were "very satisfied" with their chamber's performance in this area. Of all the aspects of congressional operations we asked senior staffers about, this was the most important to them, and it had the greatest gap between "very important" and "very satisfied," at 68 percentage points.

Of slightly less importance to the respondents was their chamber's human resource infrastructure in support of its staff. Still, 49% said it is "very important" that their chamber's human resource (HR) infrastructure adequately support staffers' official duties, and only 5% were "very satisfied" with their chamber's performance.

As the Committee considers recommendations to address deficiencies in the area of staff capacity, we hope you remain focused on these two areas: creating a highly professionalized workforce, and

providing the human resources infrastructure to support that workforce. With that in mind, CMF would like to offer the following recommendations for consideration.

1. Increase the Members' Representational Allowance (MRA) by 20 percent, a recommendation submitted to the Appropriations Committee recently by Majority Leader Hoyer and Representative Jeffries. This change is not really an increase, but rather a correction for the years that the House cut its own budget. Even with this change the House is not explicitly making improvements to its staff pay. To make the House more competitive for hiring outstanding employees it should consider an actual increase in pay for staff. Another option to enhance pay could be to examine some expenditures currently in the individual office domain and shift those costs to the institution. In the 116th Congress this Committee recommended the House examine bulk purchasing of commonly utilized items as a strategy to save costs. Similarly, the House could examine those areas that could be borne by the institution to free up funds for staff pay, such as computer hardware, software, district office security enhancements, and virtual or telephone town hall meetings.
2. Establish a salary threshold for junior staff. Too many staffers have to take a second job just to make ends meet. The Committee previously has wisely recommended pay band guidance for congressional staff. So, to compare the House to the Executive Branch, a new employee at a junior level as a staff assistant, GS-5, working at the Internal Revenue Service would start at a salary of \$38,632. There are many Staff Assistants and Legislative Assistants working in the House for less than that amount. A minimum salary floor would ensure a living wage for your employees.
3. Increase the budget for the Congressional Staff Academy. Initially under the leadership of Chief Administrative Officer (CAO) Phil Kiko, and now under CAO Catherine Szpindor, the House has made a gigantic leap forward to enhance professional development opportunities for House staff. Many of their most exciting ideas are still underway, and we look forward to hearing the testimony of CAO Catherine Spindzor on this topic. Yet at this point CMF can say this: the initial establishment of the Congressional Staff Academy in 2017, and the plans the current CAO has for its growth, are quite simply the most important and most consequential steps the House has ever taken to improve the professionalism, job retention, and effectiveness of those who serve in Congress. This great work deserves additional support from this Committee and the House as an institution, and we strongly recommend the House consider increasing the budget for the Congressional Staff Academy. Transparency Note: While CMF has previously contracted with the House to provide training services to congressional staff, we do not currently have a contract to provide training services through the Congressional Staff Academy and have no plans to pursue such a contract.
4. CMF also recommends eliminating an outdated House rule that discourages staff training by prohibiting offices from paying for training that includes a certification. We understand this rule initially was put in place so that funds were not expended solely to benefit individual staff members at taxpayer expense. However, can you picture any industry that actually prohibits staff from getting professional development if that training comes with some kind of

certification? The House should amend this rule to allow offices to pay for training that includes certification, if that training directly relates to the job responsibilities of the employee or the mission of the office and excludes campaign and political training.

5. This Committee also should consider a recommendation related to overtime pay in the Congress – or, to be more accurate, the lack of overtime pay. As this Committee knows, the Congressional Accountability Act applies certain rights and protections of the Fair Labor Standards Act to congressional staff. The House may need make some changes to ensure that the institution is following the intended purpose of the Congressional Accountability Act. Specifically, the Department of Labor has changed the minimum salary threshold for overtime eligibility to \$35,568. We urge the Committee to thoroughly examine this issue and make recommendations to the House to ensure that the institution is not only living up to the letter of the Congressional Accountability Act but the spirit of the Act as well. And if legislative changes are required to ensure that eligible staff working overtime are paid overtime - just as they would be in the private sector - then this Committee could chart a course for the House to follow.
6. The House should also consider changing the student loan repayment program so that all staff have an equal opportunity to equal benefits. Currently, each office receives the same amount and independently decides how to distribute it among staff. This translates to unfair and unequal benefits. If one office has four staffers utilizing the program, and another office has two, the office with fewer staffers utilizing could be getting greater benefits. Would you distribute transit benefits this way, with one office giving some staff \$150/month in pre-tax benefits and another office giving staff \$200? We recommend changing the student loan repayment program to replicate transit or health care benefits, and transfer all administration of the program to institutional offices of the House.
7. The House should also consider creative partnerships with the Executive Branch to provide additional resources to House offices. If there are limitations on congressional resources, evaluate and study the ability to partner with Executive Branch agencies in areas where they can accommodate Legislative Branch staff (e.g., childcare facilities, training similar to USDA courses).
8. The House also should consider expanding the House Child Care Center. The current facility still has a long waiting list, and this deficiency is pushing out very good public servants from working in the Congress. A staffer should not have to choose between a career on Capitol Hill and starting a family.
9. This Committee has previously recommended raising the cap on the number of staff currently serving in Member offices, a recommendation CMF heartily endorses. This limit often prevents offices from offering opportunities to worthy employee or intern candidates. For example, we know of many offices that could accommodate more part-time staff or interns if the cap was changed. And, if there is resistance to lifting or eliminating the staff ceiling, perhaps consider a carve-out that certain individuals would not count against the ceiling – interns, wounded veterans, individuals with disabilities, etc.

10. Create a staff council where staff throughout the institution are nominated by their peers to represent them before the institution. The council would meet periodically to raise and discuss issues relevant to staff and identify issues that need to be conveyed to institutional organizations, such as the Committee on House Administration, the Office of the Chief Administrative Officer, House Employment Counsel, etc. This would not only serve as a professional development opportunity for participating staffers, it would provide a visible venue for staff concerns and interests to be represented.
11. Designate a majority and minority staffer, likely from the Committee on House Administration, to actively participate in and represent the United States at the Inter-parliamentary Union. This would facilitate the House learning from other legislatures the international thinking about legislative operations, staffing, technology, philosophy, etc. and sharing House practices internationally. For participating staffers, it is also a significant professional development opportunity. The House would likely benefit greatly from the research and engagement and enable ideas to be explored and adopted without undergoing the same processes—and making similar mistakes—as other legislatures.

Finally, for the House and Senate to genuinely address the challenges to staff capacity, the institution must change its culture, which for decades has declined to embrace a role as steward of its workforce. Too often, given the extraordinary demand for jobs in Congress, staff are viewed as expendable and easily replaced. This not only has a tangible negative impact on the institution of Congress, it exacts a terrible toll on these amazing public servants. A recent news story examined the impact of the insurrection on January 6, and the aftermath of that attack on the mental and physical well-being of congressional staff. One staffer quoted said this: “Staff in general have been feeling like we’re invisible, like nobody is looking out for us.” Staff are the life blood of this institution, and the culture needs to change to treat them accordingly.

I don’t have to tell Members of Congress what you know so well and so personally: the level of vitriol flowing into your offices through phone lines and the internet has reached unprecedented and dangerous levels. Last week during a training program of congressional staff, CMF conducted a snap poll of 55 staffers, and asked if they had experienced direct insults or threatening messages or communications. More than three-quarters said they had.

This is all the more disturbing knowing what kind of people serve in congressional offices. Congressional staffers are not alone in their passion to help despite stressful and demanding conditions. First responders, nurses, Navy Seals, and others also make sacrifices resulting from their commitment to serve. The difference between them and congressional staff is this: most Americans who make sacrifices for others are lauded for those sacrifices, whereas congressional staff are ridiculed, belittled, and literally spat upon in the public square. There comes a point where the abuse overwhelms the passion, the negativity erases all meaning of why they jumped on this crazy rollercoaster called Congress to begin with. On some level they prepare themselves for this life. But nothing seems to quite prepare them for the threats and foul invectives screamed over the phone line, the skewed portrayal of what motivates Congress constantly churned by the Internet, or the haranguing at the Thanksgiving dinner table by a relative whose sole knowledge of Congress is based on three episodes of *House of Cards*.

The Congress must deeply consider how these present times are affecting congressional staff – these silent patriots who toil under the dome. They are passionate public servants hoping their contributions can make the world a better place. This Committee has been an oasis of constructive thinking on how to improve the institution of Congress and enhance the staff work experience. CMF hopes that your fine work and enthusiasm for improvement spreads to other Members of Congress. If the culture is not changed, and strategies are only talked about and dabbled in, then we do not foresee significant changes in the congressional work environment. As Peter Drucker—the father of modern management theory—put it: culture eats strategy for lunch.

We know from working with this Committee in the 116th Congress that you “get it.” Our request is that you continue this quest to improve the Congress, and convince others in the institution to join your cause. This kind of transformational change will not only impact the people who work on Capitol Hill, but will create a legislative institution to better serve our nation. And, as this Committee has wisely pointed out on many occasions, ultimately your mission is to enhance the product and services you deliver to your principal stakeholder: the American people.

I thank the Committee for this opportunity to address you, and look forward to continuing to assist you in your important work.