

Testimony of Molly E. Reynolds¹
Senior Fellow, Governance Studies, The Brookings Institution
Before the Select Committee on the Modernization of Congress
June 8, 2022

Chair Kilmer, Vice Chair Timmons, and members of the Select Committee, my name is Molly Reynolds, and I am a Senior Fellow in the Governance Studies Program at the Brookings Institution. I appreciate the opportunity to appear before you today to discuss pathways to and through congressional service.

I want to accomplish three things in my testimony today. First, I will reflect on why individual members might want to build lengthy legislative careers. Second, I will review what several decades of political science research on congressional retirements tells us about what leads members to depart the chamber. Third, I will discuss what the consequences are for the institution as a whole of the retirement trends that we see.

1. Accruing seniority can benefit members, their constituents, and the institution.

To begin, let me assert that there is no universal “right” length of a legislative career, and that the returns to continued service may decrease over time. But research has revealed several benefits to members of increased seniority. Members’ success at advancing bills they introduce over the course of the legislative process tends to increase over the course of their careers.² In addition, more senior members are also more successful at getting their priorities enacted via a reuse of text from a bill they sponsor originally but that eventually included in a different measure that becomes law.³ Committee and subcommittee chairs also appear to become more effective the longer they serve in those roles.⁴

In addition, research also supports the intuitive conclusion that more senior members have more meaningful connections to their colleagues, which can help build support for these legislators’ proposals.⁵ There is mixed evidence on the question of whether more senior members are more successful at directing additional federal funds to their districts; some studies support this conclusion while others do not.⁶ Importantly, there is reason to believe that some of these benefits to members of seniority, especially in the majority party, have decreased as power has centralized in the hands of

¹The views expressed are my own and do not necessarily reflect those of staff members, officers, or trustees of the Brookings Institution. Brookings does not take institutional positions on any issue.

² Craig Volden and Alan E. Wiseman, *Legislative Effectiveness in the United States Congress* (New York: Cambridge University Press, 2014).

³ Mandi Eatough and Jessica Preece, “Crediting Invisible Work (Horses): Congress and the Lawmaking Productivity Metric,” *Working Paper*, 2021.

⁴ Craig Volden and Alan E. Wiseman, “Legislative Effectiveness and Problem Solving in the U.S. House of Representatives,” in *Congress Reconsidered*, 11th ed., Lawrence C. Dodd and Bruce I. Oppenheimer, eds. (Thousand Oaks, CA: CQ Press, 2017): 259-284.

⁵ Andrew J. Taylor, “Legislative Seniority in the Partisan Congress,” *Social Science Quarterly* 100.4 (June 2019): 1297-1307.

⁶ Austin C. Clemens, Michael H. Crespin, and Charles J. Finocchiaro, “Earmarks and Subcommittee Government in the U.S. Congress,” *American Politics Research* 43.6 (November 2015): 1074-1106; Austin C. Clemens, Michael H. Crespin, and Charles J. Finocchiaro, “The Political Geography of Distributive Politics,” *Legislative Studies Quarterly* 40.1 (February 2015): 111-136; Alison W. Craig, “It Takes a Coalition: The Community Impacts of Collaboration,” *Legislative Studies Quarterly* 46.1 (February 2021): 11-48; Erik J. Engstrom and Georg Vanberg, “Assessing the Allocation of Pork: Evidence from Congressional Earmarks,” *American Politics Research* 38.6 (November 2010): 959-985; Anthony Fowler and Andrew B. Hall, “Congressional Seniority and Pork: A Big Fat Myth?,” *European Journal of Political Economy* 40.A (December 2015): 42-56; Frances E. Lee, “Geographic Politics in the U.S. House of Representatives: Coalition Building and Distribution of Benefits,” *American Journal of Political Science* 47.4 (October 2003): 714-728.

party leaders.⁷ As this Committee considers recommendations aimed at changing the conditions that lead members to retire when they still feel like they have much to offer the institution, one area you might consider are ways to empower rank-and-file members in the legislative process and make clearer their contributions to legislation. The Committee’s December 2021 recommendations, for example, included one directing congress.gov, the official web site for legislative information, to “provide a clearer accounting of member contributions to legislation.”⁸

2. Driven by several factors, some members conclude that the costs of continued service outweigh these benefits and choose to retire.

There are clearly benefits to building seniority and continuing to serve. But many former members, when asked to explain what led them to retire, stress that the costs of remaining in the House eventually outweighed the benefits of doing so.⁹ The political science literature on member retirements is rich and suggests—unsurprisingly—that there is no single account that captures all the nuance present in legislators’ decisions to leave the chamber. But there are several themes in the research that are useful to consider as you consider recommendations related to members’ pathways to and through congressional service.

One line of research suggests that members may be acting strategically in their decisions to retire, responding to several factors that make it more likely they will lose a campaign for re-election. For example, members appear to respond to the overall electoral environment when choosing to retire; research examining retirements from the House between 1954 and 2004 found higher retirement rates when consumer confidence and congressional approval ratings were lower.¹⁰ An analysis of House races between 1976 and 2000 found that members running in redrawn districts following redistricting were also more likely to retire.¹¹

A second set of findings suggest members are more likely to retire when the job—which representatives pursue because they have a wide range of goals they want to accomplish in Washington—is no longer enjoyable enough to be worth doing. Early work on a large wave of retirements in the 1970s emphasized the increased demands on members’ time and the increased workload of the institution.¹² Later research stressed that not all members are dissatisfied with their service in the same way and highlighted the ways in which individual characteristics, like age, also matter.¹³

⁷ Andrew B. Hall and Kenneth A. Shepsle, “The Changing Value of Seniority in the U.S. House: Conditional Party Government Revised,” *Journal of Politics* 76.1 (October 2013): 98-113.

⁸ “117th Congress Recommendations,” Select Committee on the Modernization of Congress <<https://modernizecongress.house.gov/117th-recommendations>>.

⁹ For rich interview accounts of members’ choice to leave, see Amisa Ratliff, Marian Currinder, and Michael Beckel, “Why We Left Congress: How the Legislative Branch is Broken and What We Can Do About It,” *Issue One and R Street*, December 2018 <<https://issueone.org/articles/why-we-left-congress-how-the-legislative-branch-is-broken-and-what-we-can-do-about-it/>>.

¹⁰ Jennifer Wolak, “Strategic Retirements: The Influence of Public Perceptions on Voluntary Departures from Congress,” *Legislative Studies Quarterly* 32.2 (May 2007): 285-304.

¹¹ Jamie L. Carson, “Strategy, Selection, and Candidate Competition in U.S. House and Senate Elections,” *Journal of Politics* 67.1 (February 2005): 1-28.

¹² Joseph Cooper and William West, “Voluntary Retirement, Incumbency, and the Modern House,” *Political Science Quarterly* 96.2 (Summer 1981): 279-300.

¹³ Michael K. Moore and John R. Hibbing, “Situational Dissatisfaction in Congress: Explaining Voluntary Departures,” *Journal of Politics* 60.4 (November 1998): 1088-1107.

Given the current legislative and political environment, it is worth considering a few specific factors that may make service less rewarding and thus make members more likely to retire. One is Congress's collective legislative performance. Research examining House retirements between 1948 and 1994 found that higher levels of legislative gridlock—that is, an inability by Congress to address the issues on the national agenda—were associated with higher retirement rates.¹⁴ Members' behavior, then, appears to reflect the same frustration that many of their constituents feel with Congress's shortcomings at responding to national challenges.

A second specific dynamic that contributes to retirement decisions is institutional practices that shape members' expectations about their future influence in the chamber. The fact that minority party members have less influence in the House leads legislators who expect to be in the minority in the next cycle to retire at higher rates; this includes some members from safe seats, suggesting that even those capable of winning re-election may simply not enjoy serving in the minority.¹⁵ In addition, members who have reason to think it is unlikely that they will acquire positions of power in the chamber because their seniority is not commensurate with their age appear to be more likely to retire.¹⁶ Finally, research on the 2018 cycle specifically highlights the degree to which some Republicans' retirement decisions were driven, at least in part, by their pending loss of committee leadership positions.¹⁷ As you consider possible recommendations to support members' pathways through congressional service, it is important to recognize that some reforms that respond to this dynamic might be at odds with each other; encouraging those with existing committee leadership positions to remain in the chamber, for example, may lead rank-and-file members to feel even less powerful than they do at present. But recognizing that members' expectations about their future influence shape retirement decisions is an important first step.

A third factor in some members' choice to retire is a sense that they do not “fit” with their party in the chamber. Research that examines elections between 1982 and 2010 finds that more moderate members of both parties are more likely to retire than their more ideological colleagues; importantly, this trend is driven by choices made between 1990 and 2010, suggesting that this dynamic may be one of the contributors to increasing polarization in Congress.¹⁸ The broader forces of partisan polarization in the American political system are likely beyond the reach of this committee's recommendations, but knowing that members who feel like they are out of step with their parties due to their relative moderation are more likely to retire has implications for your efforts to foster bipartisan cooperation in the House.

Finally, research also indicates that members are responsive to shifts in the financial and time costs and benefits associated with congressional service. On one hand, members' decisions to retire appear to be shaped by the financial consequences of doing so. Work on the 1992 election, for example, indicates that some members likely delayed retirement from 1990 until two years later because a pay increase enacted in 1989 increased the value of members' pensions if they served at least one additional term.¹⁹ More recent research finds that members with more lucrative expected post-service,

¹⁴ Sarah A. Binder, *Stalemate: Causes and Consequences of Legislative Gridlock* (Washington, D.C.: Brookings Institution Press, 2003).

¹⁵ Jacob F.H. Smith, *Minority Party Misery: Political Powerlessness and Electoral Disengagement* (Ann Arbor: University of Michigan Press, 2021).

¹⁶ Moore and Hibbing 1998.

¹⁷ Hanna K. Brant and L. Marvin Overby, “Congressional Career Decisions in the 2018 Congressional Midterm Elections,” *Congress and the Presidency* 48.1 (March 2021): 8-24.

¹⁸ Danielle M. Thomsen, *Opting Out of Congress: Partisan Polarization and the Decline of Moderate Candidates* (New York: Cambridge University Press, 2017).

¹⁹ Richard L. Hall and Robert P. van Houweling, “Avarice and Ambition in Congress: Representatives' Decisions to Run or Retire from the U.S. House,” *American Political Science Review* 89.1 (March 1995): 121-136. This study

private sector salaries—as measured by the size of lobbying contracts received by similarly situated members who have already retired—are also more likely to depart. This behavior appears to be driven by the fact that there are financial opportunity costs to continuing to hold office and eventually receiving a congressional pension versus taking a private sector position. Members who must, under the age and length-of-service requirements, run for re-election at least once before seeing a higher pension appear to be more responsive to the value of outside employment in making their retirement decisions.²⁰ While changes to congressional pay and/or pension benefits is a politically difficult topic, research does, nonetheless, suggest that present and future compensation does bear on members' decisions whether to remain in the chamber.

In addition to being sensitive to the financial costs and benefits of continued service, members also appear to weigh other costs, such as the time associated with travel to and from Washington, D.C., in their retirement decisions. A study of retirement decisions between 1977 and 2018, for example, found that “gaining an airport with a direct flight increases the likelihood of a member seeking reelection by about 1.6 percentage points.”²¹ While this effect is small in magnitude, it does indicate that members are sensitive to non-financial costs of serving, which, in turn, suggests that reforms to the congressional schedule or other efforts aimed at reducing the transaction costs of serving might be fruitful for the Committee to consider.

3. Members' individual retirement decisions, when taken together, can have negative consequences for the institution.

While decisions to retire are made by individuals, they have consequences for the institution when taken collectively. When considering committee activity, for example, seniority matters; not only are more senior committee and subcommittee chairs more effective legislatively, but, at the full committee level, they also convene more oversight hearings.²² Within committees, more senior members also appear to participate more in oversight hearings.²³ In addition, there is evidence from U.S. state legislatures that members who cannot run again, by virtue of term limits, exert less legislative effort (that is, they sponsor less legislation, contribute less in committee, and miss more floor votes); a similar dynamic, if present in the U.S. House, could also be harmful to the institution.²⁴

There is also reason to believe that not all members respond to the dynamics that animate retirement in the same way—and that, as a result, an environment that encourages members to leave has

also suggests that a desire for a higher pension was a more important factor than the so-called “golden parachutes” available in 1992 and made possible by an amendment to the Federal Election Campaign Act passed in 1979. Under that provision, 1992 was the last year in which a member sworn in before January 1980 could retain his or her campaign funds for personal use upon retirement. For more on this, see Timothy Groseclose and Keith Krehbiel, “Golden Parachutes, Rubber Checks, and Strategic Retirements from the 102d House,” *American Journal of Political Science* 38.1 (February 1994): 75-99.

²⁰ Benjamin C.K. Egerod, “The Lure of the Private Sector: Career Prospects Affect Selection Out of Congress,” *Political Science Research and Methods*, forthcoming.

²¹ Neil Malhotra and Christian Gonzalez Rojas, “Transaction Costs and Congressional Careers: The Effect of Flight Availability on Retirement Decisions,” *Legislative Studies Quarterly*, forthcoming.

²² Brian D. Feinstein, “Who Conducts Oversight? Bill-Writers, Lifers, and Nailbiters,” *Wayne Law Review* 64 (2018): 127-148.

²³ Nicholas G. Napolio and Janna King Rezaee, “Extremists and Participation in Congressional Oversight Hearings,” *C. Boyden Gray Center for the Study of the Administrative State*, Working Paper 20-20, October 2020 <<https://administrativestate.gmu.edu/wp-content/uploads/sites/29/2020/10/Napolio-Rezaee-Extremists-and-Participation-in-Congressional-Oversight-Hearings.pdf>>.

²⁴ Alexander Fourinaies and Andrew B. Hall, “How Do Electoral Incentives Affect Legislator Behavior? Evidence from U.S. State Legislatures,” 116.2 (May 2022): 662-676.

consequences for the efforts to make the House membership look more like the country as a whole. Importantly, these different responses come on top of systematic differences in who chooses to run in the first place. The research on candidate entry decisions for a range of public offices is rich and finds, for example, that women are less likely than men to seek elected office for a range of reasons, including because they are recruited less often than men,²⁵ because they believe they will not receive financial support to do so,²⁶ because they feel they cannot balance family responsibilities,²⁷ and because they do not think they are qualified to do so.²⁸

In addition, minority candidates, who tend to emerge in majority-minority districts,²⁹ are also confronted with impediments to running. Indeed, individuals from racial minority groups may wish to run. African-Americans, for example, do not express lower levels of political ambition as compared to whites.³⁰ But when candidates of color run, they may not necessarily receive the same level of support as white individuals. Latino/a candidates, for example, receive less support from party elites,³¹ and Black candidates raise less money.³² Women of color also struggle with both fundraising and attracting favorable media coverage.³³ Evidence that the presence of minority officeholders at higher levels encourages minority candidate entry down ballot, moreover, suggests that perceptions of viability among potential candidates also matter.³⁴ Finally, individuals from working class backgrounds also face barriers in entering elected office—both because of the high financial and time costs of running and because they are less likely to be recruited to do so.³⁵

In the context of departures from Congress, women, for example, are more likely to retire when they have reason to believe they have reached a career ceiling in Congress than men.³⁶ In addition, women

²⁵ Jennifer L. Lawless and Richard L. Fox, *It Still Takes a Candidate: Why Women Don't Run for Office* (New York: Cambridge University Press, 2010).

²⁶ Daniel M. Butler and Jessica Robinson Preece, "Recruitment and Perceptions of Gender Bias in Party Leader Support," *Political Research Quarterly* 69.4 (December 2016): 842–51.

²⁷ Nancy Burns, Kay Lehman Schlozman, and Sidney Verba, *The Private Roots of Public Action: Gender, Equality and Political Participation* (Cambridge, MA: Harvard University Press, 2001).

²⁸ Danny Hayes and Jennifer L. Lawless, *Women on the Run: Gender, Media and Political Campaigns in a Polarized Era* (New York: Cambridge University Press, 2016).

²⁹ Eric Gonzalez Juenke, "Ignorance is Bias: The Effect of Latino Losers on Models of Latino Representation," *American Journal of Political Science* 58.3 (July 2014): 593–603; Paru Shah, "It Takes a Black Candidate: A Supply-Side Theory of Minority Representation," *Political Research Quarterly* 67.2 (July 2014): 266–79.

³⁰ Paru Shah, "Stepping Up: Black Political Ambition and Success," *Politics, Groups, and Identities* 3:2 (April 2015): 278–294.

³¹ Angela X. Ocampo and John Ray, "Many Are Called But Few Are Chosen: The Emergence of Latino Congressional Candidates," *Politics, Groups, and Identities* 8.4 (2020): 738–761.

³² Gbemende Johnson, Bruce I. Oppenheimer, and Jennifer L. Selin, "The House as a Stepping Stone to the Senate: Why Do So Few African-American House Members Run?," *American Journal of Political Science* 56.2 (April 2012): 387–399.

³³ Ashley Sorenson and Philip Chen, "Identity in Campaign Finance and Elections: The Impact of Gender and Race on Money Raised in 2010–18 U.S. House Elections," *Political Research Quarterly*, forthcoming; Sarah Gershon, "When Race, Gender, and the Media Intersect: Campaign News Coverage of Minority Congresswomen," *Journal of Women, Politics & Policy* 33.2 (May 2012): 105–125.

³⁴ Bernard L. Fraga, Eric Gonzalez Juenke, and Paru Shah, "One Run Leads to Another: Minority Incumbents and the Emergence of Lower Ticker Candidates," *Journal of Politics* 82.2 (January 2020): 771–775.

³⁵ Nicholas Carnes, *The Cash Ceiling: Why Only the Rich Run for Office—and What We Can Do About It* (Princeton, NJ: Princeton University Press, 2018).

³⁶ Jennifer L. Lawless and Sean M. Theriault, "Will She Stay or Will She Go? Career Ceilings and Women's Retirement from the U.S. Congress," *Legislative Studies Quarterly* 30.4 (November 2005): 581–596.

appear to be more sensitive to electoral concerns in making their retirement decisions.³⁷ Finally, in at least the pre-2010 period, the fact that moderate members are more likely to retire than their ideological colleagues had particularly strong effects for women in the Republican conference, who tended to be more moderate than their male colleagues.³⁸

Finally, and most generally, members leaving because they do not perceive the House as a place where they can be influential contributes the perception that Congress is not a place where the hard work of legislating is rewarded. If prospective members see the House as a primarily an arena in which legislators *say* things rather than *do* things, those who value the former will be more likely to seek office than the latter. In addition to making it more difficult for Congress to complete the basic work of governing, this notion that the institution is primarily a place for performance over legislating has negative consequences for public trust in it as well. As Yuval Levin of the American Enterprise Institute argued before this committee in 2021, institutions—Congress included—lose public trust when “the people in that institution no longer see it as a mold of their character and behavior but just as a platform for themselves to perform on and to raise their profiles and be seen.”³⁹ Retirement decisions, then, have consequences that reach beyond the individual members who choose to depart the chamber.

³⁷ Jeffrey Lazarus, Amy Steigerwalt, and Micayla Clark, “Time Spent in the House: Gender and the Political Careers of U.S. House Members,” *Politics and Gender*, forthcoming.

³⁸ Thomsen 2017.

³⁹ Yuval Levin, “Building a More Civil and Collaborative Culture in Congress: Some Diagnostic and Prescriptive Reflections,” *Statement before the House Select Committee on the Modernization of Congress*, June 17, 2021 <<https://docs.house.gov/meetings/MH/MH00/20210617/112786/HHRG-117-MH00-Wstate-LevinY-20210617.pdf>>.