

Daniel Schuman, Policy Director, Demand Progress Action
Joined by Alex Howard, Sunlight Foundation; Jason Briefel, Senior Executives
Association
Testimony Before the House of Representatives
Legislative Branch Appropriations Subcommittee
April 2018

Chairman Yoder, Ranking Member Ryan, and members of the Legislative Branch Appropriations subcommittee, thank you for the opportunity to speak with you today.

There is no more important resource to Members of Congress than their staff. These men and women provide legislators indispensable assistance in meeting their legislative, oversight, and constituent service responsibilities, and they are often the repository of institutional knowledge inside the House of Representatives. The Congressional Record is replete with eulogiums that praise a staffer who spent her entire career in public service to Congress, and lament the departure of a treasured source of wisdom.

The House of Representatives historically has understood the importance of managing its “human capital,” and conducted 17 studies on that topic over the last forty years. The first such report, in 1978, was conducted by the Commission of Administrative Review pursuant to a House resolution to perform “a thorough and complete study with respect to the administrative services of the House of Representatives.”¹ Subsequent reports were written by contractors, overseen by the Chief Administrative Officer, and focused on analyzing job tenure, House pay as compared to private sector pay, analysis of pay rates and job roles by gender and race, and a review of educational attainment. The last study was conducted in 2010 — 8 years ago.

We urge the House of Representatives to re-authorize a review of its personal and committee office staff along these lines.

There is reason to believe that congressional staff may have lower salaries than their executive branch counterparts. Any pay gap or perception thereof may affect staff retention in the House of Representatives. In addition, it is unknown but suspected that there are disparities in pay among congressional staff with the same duties that vary based on gender or race. Information about any pay or retention gaps would help the House understand whether further action should be taken.

¹ See House Document 95-178.

This recommendation is consonant with historical practice and the position articulated by the committee in prior years. In its 2010 report,² the Legislative Branch Appropriations Subcommittee described the House of Representatives' human resources challenge as follows: "The institution has not been as successful, however, in retaining staff who often find better pay and benefits in the executive branch or private sector." After describing several initiatives to address this issue, the report continued: "The Committee considers these recommendations as merely the next steps in a multi-year effort to give House of Representatives employees a fully competitive pay and benefits system." It added that "maximizing diversity in the legislative branch workforce remains a high priority."

Studies of staff pay, retention, and diversity are common inside and outside government. The Office of Personnel Management, for instance, just released its annual Federal Equal Opportunity Recruitment Program report to Congress,³ which analyzes federal employee pay and demographics by gender and race. OPM maintains a website that allows anyone to evaluate the data.⁴ In addition, the White House has analyzed Executive Office of the President staff along these lines, as have outside entities like the American Enterprise Institute.⁵ Furthermore, private sector companies gather and release similar demographic data about their employees, including asset managers⁶ as well as technology companies like Facebook⁷ and Google⁸ parent company Alphabet.

Civil society and academics have turned their attention to Congress as well. A 2010 Sunlight Foundation study evaluated House of Representatives staff pay over the preceding quarter-century, finding average salaries for most Washington-based House personal office staff significantly decreased in real terms, with the kicker that, in addition, fewer staff were engaged in policy-making roles.⁹ It might come as no surprise, then, that a 2017 report by the Congressional Management Foundation found only 5% of Congress's staff satisfied with

² See House Report 111-160, available at <https://www.congress.gov/congressional-report/111th-congress/house-report/160>.

³ <https://www.opm.gov/policy-data-oversight/diversity-and-inclusion/reports/feorp-2016.pdf>.

⁴ <https://www.unlocktalent.gov/>

⁵ See "Glass ceiling at the Obama White House?" Mark Perry, American Enterprise Institute (July 2016), available at <http://www.aei.org/publication/glass-ceiling-at-the-obama-white-house-female-staffers-earn-8270-and-10-75-less-than-their-male-counterparts/>. For the White House data, contact Daniel Schuman.

⁶ See "Fund companies lift the lid on workforce ethnic diversity," Financial Times (Nov. 5, 2017), available at <https://www.ft.com/content/6376ed7e-be30-11e7-b8a3-38a6e068f464>.

⁷ <https://newsroom.fb.com/news/2015/06/driving-diversity-at-facebook/>

⁸ <https://diversity.google/commitments/>

⁹ "Keeping Congress Competent: Staff Pay, Turnover, And What It Means for Democracy," by Daniel Schuman, Sunlight Foundation (December 2010), available at <https://sunlightfoundation.com/2010/12/21/keeping-congress-competent-staff-pay-turnover-and-what-it-means-for-democracy/>.

its human resources support and infrastructure, with the top reason staff leave Congress identified as their “desire to earn more money.”¹⁰ In addition, a 2017 analysis by the R Street Institute’s Casey Burgat found that women are well represented as congressional employees, but not in senior positions.¹¹ And a 2015 study by the Joint Center for Political and Economic Studies looked at racial diversity in the Senate,¹² finding that people of color make up only 7.1% of top Senate staff even though they account for 28 percent of the voting population.

These studies suggest issues for investigation by the House. Indeed, staff pay, retention, and demographics ultimately are matters of great import to the House of Representatives itself. Can it recruit and retain capable staff with broad-based expertise and perspectives? Has it created a welcoming environment where staff succeed based upon merit? Is the House of Representatives improving its work environment over time? It is able to perform its duties in overseeing the executive branch? Better data can help us understand — and improve — how the people’s house functions.

In prior years, data regarding House of Representatives staff was gathered through a survey sent to the relevant offices. It is possible that the House may already possess much of the data necessary for the analysis we described earlier. Regardless, we were pleased with the quality of the earlier reports, although it would be helpful to have a longitudinal perspective.

In addition, we recommend that the results of the employment study be released to the public. We do not suggest releasing the demographic data for any individual staffer, or in a way that would allow for deanonymization of individual staff. It is important to protect each staffer’s personal privacy. However, releasing aggregate data for the House of Representatives, broken out by job category and type of office, is a reasonable approach, particularly given public interest in the topic and the House’s moves towards greater transparency.

Thank you for the opportunity to testify before you today.

¹⁰ “State of the Congress,” Congressional Management Foundation (2017), available at http://www.congressfoundation.org/storage/documents/CMF_Pubs/cmf-state-of-the-congress.pdf.

¹¹ “Among House staff, women are well represented. Just not in the senior positions,” by Casey Burgat, Washington Post, (June 2017), available at <https://www.washingtonpost.com/news/monkey-cage/wp/2017/06/20/among-house-staff-women-are-well-represented-just-not-in-the-senior-positions/>.

¹² “Racial Diversity Among Top Senate Staff,” by James Jones (December 2015), available at <http://jointcenter.org/sites/default/files/Racial%20Diversity%20Among%20Top%20Senate%20Staff%2012-2-15%20140%20pm%20%282%29.pdf>.

Daniel Schuman Biography

Daniel Schuman leads Demand Progress Action's efforts on issues that concern governmental transparency/accountability/reform and civil liberties/national security. Demand Progress Action is a project of the Sixteen Thirty Fund, and our more than two million members seek to protect the democratic character of the internet — and wield it to make government accountable and contest concentrated corporate power.

Daniel co-founded the Congressional Data Coalition, which brings together organizations from across the political spectrum to advocate for a tech-savvy Congress. Daniel co-directs the Advisory Committee on Transparency, which supports the work of the Congressional Transparency Caucus, and is a fellow at CodeX, the Stanford Center for Legal Informatics. He also coordinates the bipartisan Transparency Round Table. His website, EveryCRSReport, recently won a 'le hackie' award from D.C. Legal Hackers.

In 2016 Daniel was named to the FastCase 50 and in 2013 Daniel was named among the 'top 25 most influential people under 40 in gov and tech' by FedScoop. He is a nationally recognized expert on federal transparency, accountability, and capacity and has testified before Congress and appeared on NPR, C-SPAN, and other news outlets.

Daniel previously worked as policy director at CREW; policy counsel at the Sunlight Foundation; as a legislative attorney with the Congressional Research Service; and as a very junior staffer on Capitol Hill. Daniel graduated cum laude from Emory University School of Law.

House Legislative Branch Approps Subcommittee
[Insert Subcommittee Name Here]

Witness Disclosure Form

Clause 2(g) of rule XI of the Rules of the House of Representatives requires non-governmental witnesses to disclose to the Committee the following information. A non-governmental witness is any witness appearing on behalf of himself/herself or on behalf of an organization other than a federal agency, or a state, local or tribal government.

Your Name, Business Address, and Telephone Number: Daniel Schwam, Demand Progress Action (a project of the Sixteen Thirty fund) 30 Ritchie Ave, Silver Spring, MD 240-237-3930
1. Are you appearing on behalf of yourself or a non-governmental organization? Please list organization(s) you are representing. Demand Progress Action, a project of the Sixteen thirty fund.
2. Have you or any organization you are representing received any Federal grants or contracts (including any subgrants or subcontracts) since October 1, 2012 related to the agencies or programs funded by the Subcommittee? Yes <input type="radio"/> No <input checked="" type="radio"/>
3. Have you or any organization you are representing received any contracts or payments originating with a foreign government since October 1, 2012 related to the agencies or programs funded by the Subcommittee? Yes <input type="radio"/> No <input checked="" type="radio"/>
4. If your response to question #2 and/or #3 is "Yes", please list the amount and source (by agency and program) of each Federal grant (or subgrant thereof) or contract (or subcontract thereof), and/or the amount and country of origin of any payment or contract originating with a foreign government. Please also indicate whether the recipient was you or the organization(s) you are representing.

Signature: Daniel Schwam

Date: 4/3/18