

Congressional Brain Drain

Legislative Capacity in the 21st Century

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Introduction

Contacting your congressional representative has never been easier. Once limited to phone calls and snail mail, you can now email, tweet at, and DM your senators and representatives. But as innovations in technology make constituent and media communications cheaper, congressional offices are feeling the strain of reallocating staff resources to public and constituent relations. Add to that the heightened levels of partisan competition and animosity, which makes party leaders focus almost exclusively on message bills designed more for 30-second spots than for solving real problems for the American people. The result is fewer staff dedicated to policymaking. The staff dedicated to helping Congress write the laws are overworked, underpaid, and, thanks to stunning levels of turnover, lacking in policy experience.

As a result, rank-and-file members are legislating less and focusing more on district work geared toward reelection and representation. Combined with fewer days in session and an increased expectation to raise election funds, Congress's capacity to govern has diminished to its lowest levels in generations.

We conducted a survey in 2017 and again in 2019 of nearly 800 congressional staff. When combined, this is the most comprehensive time-series cross-sectional survey of congressional staffers' professional backgrounds, career paths, policy views, technical knowledge, substantive expertise, and job experiences ever conducted. Our report documents how the decline in legislative capacity has changed during the era of rising polarization and increasing political party competition, and how, as a consequence, legislative staff in Washington are asked to do more and more, with less and less.

Main Findings

- **Congress is a funnel to lucrative jobs in lobbying.** Roughly half of staff aiming to enter the private sector after serving on the Hill want to become lobbyists. For the most part, working on the Hill is viewed as an entry-level position for K Street, rather than a stepping stone for a career in public service.
- **Staff resources have shifted to the district.** Share of total staffer full time equivalents dedicated to Washington, D.C. offices has fallen from more than 70 percent in the 1970s to 50 percent in recent years.

- **There are fewer resources to pay staff.** In the House of Representatives, the budget allocated for office staff hires fell by 10 percent from 2013 to 2017.
- **Staff pay is declining.** Salaries fell among communications, legislative, and administrative staff following the 110th Congress (2007-2008). The decline cannot alone be attributed to the member pay freeze and austerity measures resulting from the Great Recession because the decline in resources allocated for legislative staff started well before 2007.
- **Congressional staffers in important roles are largely inexperienced.** Most staff who manage policy portfolios in Congress have only one or two years of Hill experience. That is, roughly one-third of legislative staffers have not yet served the duration of a single Congress. Conversely, staffers in both chambers who have spent more time working in Congress are measurably more knowledgeable about institutional procedures and important policy topics.
- **Capitol Hill is staffed primarily by Millennials.** Roughly 60 percent of the congressional staffer population is under the age of 35, and 75 percent under 40 years old.
- **Turnover among congressional staff is exceedingly high.** The average tenure for staff on Capitol Hill is 3.1 years. About 65 percent of staffers plan to leave Congress within five years. Even more strikingly, 43 percent plan to depart by the end of the Congress in which they are employed.
- **Most do not see working in Congress as a long-term career option.** Among those who would like to continue careers in the public sector (55%), more than half plan to leave Congress.
- **Staffers work extremely long hours, and are spread thin.** More than 65 percent of staff work 50+ hours a week, and 20 percent of staff work 60+ hours. Of senior staffers, 65 percent work 60+ hours a week. The average legislative staffer works on 2-6 issue areas every single day.
- **Staff like working for their boss, but not so much for Congress.** 76 percent report a very strong or strong sense of belonging in their employing office, but only 61 percent feel similarly about Congress as a whole. This institutional deficit is greater for women and BIPOC staffers.
- **In Congress, experience yields knowledge, but is not rewarded.** Staffers that have spent more time working in Congress are measurably more knowledgeable about institutional procedures and important policy topics. This is true across both chambers, and is unrelated to actual work assignments. Yet, turnover is so high and retention rates so low that members fail to keep that knowledge in house, so must rely more and more on K Street.

Recommendations for Reform

- **Acknowledge bipartisan and bicameral institutional neglect.** The decline in legislative capacity we document here is the product of many years of institutional neglect. Members in both chambers — and in both parties — must acknowledge that the Congress they have inherited has less capacity to govern than that of only a decade or two ago. The bipartisan, bicameral problem demands bipartisan, bicameral cooperation to reinvigorate the legislative branch to oversee a strong and growing Executive, regardless of who sits in the Oval Office. Investing in the institution's capacity will improve member's ability to represent the American people and to govern in the 21st century.
- **Reorganize Congress.** Congress has not seriously reconsidered how its rules, structure, and organization are outdated, inefficient, and inadequate for their constituents' needs. Congress should authorize a bicameral, bipartisan, simple majority-rule joint committee with sufficient resources to do more than merely recommend trivial improvements that existing standing committees and elected officers in each respective chamber are already considering.
- **Pay staff more.** The cost of living adjusted wages for entry- and mid-level congressional staff who work 50 hours per week or more is paltry for supposedly the most professional legislature in the world.
- **Overhaul the MRA.** The House of Representatives does not adequately manage member office operations. The MRA is not a meaningful strategic planning and budgeting tool, so it should be significantly restructured by first identifying overhead expenses in member personal offices that may be fully centralized, including basic information technology and routine office functions. The MRA should also structure a reasonable allowance for district and Washington personnel that accounts for local cost of living and health care benefits.
- **Assess and reward high-performing offices.** Members have little incentive other than their own reelection to change how they operate their offices. There should be routine mechanisms to reward offices for excellent performance, such as low turnover, long average tenure rates, professional development achievements, and other measurable objectives for service. Rewards and other forms of recognition accrued per office could be passed on to staff, giving them tangible incentives for achievement.
- **Discard overall FTE and staff sharing limitations.** Though the Senate does not necessarily pay staff more than the House after controlling for things like age and experience, the Senate does outperform the House in recruiting older, more experienced staff. The House could compete better if it no longer inhibited members' flexibility in building the staff rosters they prefer.

- **Restore balance to Washington and district work.** The decades-long shift in staffing resources from Washington to the district is the consequence of much larger political forces in American politics, but it is not unrelated to how members' use their official allowances. Members now face no limitation on how much they use taxpayer resources to conduct constituent services, most of which is for legitimate representation needs. But, Congress's first priority is to govern, which requires members' presence and attention while assembled in Washington. Allocating more resources to the "policy shop" is one way that members can assert their institutional prerogatives to influence legislation and oversight. Of course, this reallocation ought to be part of a comprehensive reconsideration of how members' time in Washington is spent, such as reducing "call time" and reelection fundraising.
- **Pay our interns.** The pipeline for working in Congress is fit only for those with sufficient privilege and resources to accept non-paying or extremely low-paying employment. Recent funds allocated for internships are a good start, but are not sufficient. Congress should rethink internships in congressional offices as public service apprenticeships.
- **Centralize the legislative staff labor market process.** Members of Congress exploit a race-to-the-bottom legislative staff labor market, and fail to recognize that their market extends beyond Capitol Hill. Members, committees, and leadership offices in both chambers can retain the flexibility that comes with autonomous hiring and firing authority and cooperate to make the legislative staff market more efficient. The failure to fully use existing central human resources mechanisms to screen candidates and improve placement is a collective action failure. Both parties free-ride on the prestige of working in Congress by continuing to use informal networks to recruit and retain staff. Such informal networks are especially problematic for traditionally underrepresented groups.
- **Proactively recruit, retain, and promote a diverse staff.** Congressional offices should be rewarded for recruiting, retaining, and promoting staff to better represent women, people of color, and others who are not typically represented among staff. Both chambers should cooperate to proactively recruit, retain, and advance staff with explicit attention to race, ethnicity, national origin, primary language, religion, age, veteran status, ability, immigration status, economic status, sex, gender identity, and sexual orientation.
- **Improve labor market transparency.** Congress is a sellers' labor market, giving members an extreme information advantage and negotiation leverage over prospective staff. Congress should develop routinely updated guidelines for pay, job title definitions, job descriptions, and occupational ranks and steps based on demonstrable knowledge, skills, and abilities. Members would retain full authority to hire and fire staff at will, and would be free to use the guidelines as much or as little as they please. Supervisors and staff would have reliable information about work expectations, salary, and career progress, and members could convey their commitment to fair and equitable treatment of staff to constituents.
- **Slow the revolving door.** The consequence of the inefficient staff labor market is high turnover and brief tenure that subsidizes K Street. Congressional offices now serve as a professional stepping stone for the influence industry, which is an inefficient use of tax dollars. And, existing "cooling-off" rules are ineffective, as the revolving door has continued to expand since they have been adopted. Congress needs to offer staff a reason to stay, including a work environment that makes full use of their intrinsic public service motivation. Now, Congress simply concedes that it can't compete with the exorbitant salaries offered by K Street, and ignores non-salary incentives to retain staff.
- **Sponsor and reward professional development.** Currently, professional development is limited to basic administrative skills, routine office functions, and basic substantive policy training. There is no accessible training oriented toward higher order skills such as legislative negotiation, complex congressional processes, or issue area expertise. Congress should partner with the political reform community, federal agencies, private sector organizations, staff affinity groups, universities, and think tanks to develop bipartisan professional development standards and expertise certification. Congress should subsidize professional development up front and reward staff after completion with incremental increase in pay, rank, and scale. Offices should accommodate staff seeking professional development opportunities by changing norms of constant "presence" in the office, especially when in session.
- **Create a venue for staff to offer feedback.** Staff — especially those who are young and junior — have very few opportunities to offer feedback without fear of retribution. The norm of loyalty to the boss is so strong on Capitol Hill, and most members remain so distant from the day-to-day challenges that staff face, there is no existing avenue for dialogue. Members and senior staff could be subject to annual peer review using a committee of staff from other offices or from neutral outside experts.